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H.C.P.No.2577 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2577 of 2025

Gomathi, F/A.42, Years,
W/o. Kannan,
F-12, Periyar Nagar,
Shevapet, Salem District

.. Petitioner

VS

1.The State of Tamil Nadu
Rep. By its Secretary to Government,
Home, Prohibition and Excise Department
Fort St.George, Chennai – 600 009.

2.The Commissioner of Police,
Salem District.

3.The Superintendent,
Central Prison, Salem District.

4.The Inspector of Police,
Shevapet Police Station,
Salem District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India
praying to issue a writ of habeas corpus calling for the entire records
leading to the detention of the detenu namely Dhatchinamoorthy



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S/o.Kannan, aged about 42 years, vide detention order dated 30.06.2025

on the file of the 2nd respondent herein made in the proceedings in detention order C.M.P.No.32/Goonda/Salem City/2025 and quash the same and consequently direct the respondents herein to produce the detenu at liberty from Central Prison, Salem.

For Petitioner : Mr.R.Thamarai Selvan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

(Made by SUNDER MOHAN, J.)

The petitioner, who is the mother of detenu Dhatchinamoorthy, S/o. Kannan, branded as Goonda under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short 'Act') has challenged his detention order dated 30.06.2025.

2. The learned counsel for the petitioner would submit that the detention order is liable to be quashed on the ground that there is a delay in passing the order of detention and that the subjective satisfaction of the detaining authority in arriving at the conclusion that the detenu is likely to be released on bail by relying upon the order passed by this Court, suffers from non-application of mind.



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3. Heard the learned Additional Public Prosecutor.

4. In this case, the detenu was arrested on 30.05.2025 and detained on 30.06.2025. The facts of the ***Sushanta Kumar Banik Vs. State of Tripura***, reported in '***2022 LiveLaw (SC) 813***' would squarely apply to the facts of the instant case as the live and proximate link between the ground of detention and the purpose of detention stood snapped.

5. Secondly, we find that the detaining authority has relied upon an order passed in CrI.OP No. 8576 of 2025 to conclude that the detenu is likely to be released on bail. The facts in the order relied upon by the detaining authority are not similar to the facts of the instant case. In that case, the accused had one previous case whereas in this case, the accused has two previous cases. Further in this case, the detenu had been charged for the offences under Section 111(2) (b) and Section 123 of BNS, 2023 whereas in the case relied upon by the detaining authority, accused had been charged for offence under Section 123 of BNS, 2023. Therefore, we are of the view that the order of the detaining authority suffers from non-application of mind and is liable to be set aside.

6. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P. No.32/Goonda/Salem City/2025, dated 30.06.2025 is hereby set aside.



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7. The detenu, viz., Dhatchinamoorthy, S/o. Kannan, aged 23

years, who is now confined in Central Prison, Salem, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
17.03.2026

Index:Yes/No

Neutral Citation:Yes/No

ssm

Note to Registry : Issue Today

To

1.The Secretary to Government,
Home, Prohibition and Excise Department
Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Salem District.

3.The Superintendent,
Central Prison,
Salem District.

4.The Superintendent,
Central Prison,
Puzhal, Chennai.

5.The Inspector of Police,
Shevapet Police Station,
Salem District.



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6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

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7. The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

ssm

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