



WEB COPY

HCP No. 559 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 559 of 2026

Saranya

..Petitioner(s)

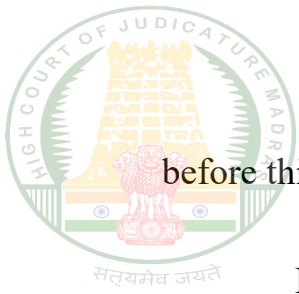
Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector
Erode District.
3. The Superintendent of Police,
Central Prison,
Coimbatore District.
4. The Sub-Inspector of Police,
Anthiyur Police Station,
Erode District.

..Respondent(s)

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Writ of Habeas Corpus filed under Article 226 of the Constitution of India calling for the records pursuant to the detention order made in Cr.M.P.No.64/Sexual Offender/2025-C1, dated 31.10.2025, on the file of the 2nd Respondent herein and quash the same and produce the body of the Petitioner's husband namely Karthi, S/o.Rangasamy, aged about 36 years, who is detained in 3rd respondent/The Superintendent, Central Prison, Coimbatore District



before this Honble Court and set him at liberty forthwith.

For Petitioner(s):

Mr.B.Gopalakrishnan

For Respondent(s):

Mr.M.Mohamed Riyaz

Government Advocate (Crl. Side)

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

This Habeas Corpus Petition has been filed by one Saranya, wife of the detenu namely Karthi, S/o.Rangasamy, aged about 36 years, challenging the detention order passed by 2nd respondent in Cr.M.P.No.64/Sexual Offender/2025-C1, dated 31.10.2025, branding the detenu as 'Sexual Offender' as contemplated under Section 2(ggg) of the Tamil Nadu Act 14 of 1982.

2.We have heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) appearing for respondents. We have also perused the records submitted by the detaining authority.

3.Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non application of mind on the part of the detaining authority in passing the impugned order of detention.



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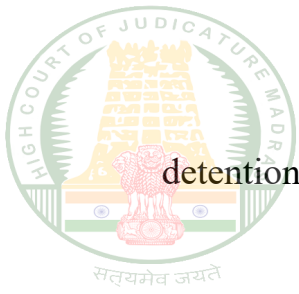
4. Learned counsel for the petitioner submitted that the detenu has been remanded to judicial custody in connection with ground case. The detenu has not moved any bail application in respect of those cases and therefore, there is no real possibility of the detenu coming out on bail in the near future. However, the detaining authority after quoting that the detenu has not filed any bail application in those cases, but by relying on a case registered in 142 of 2025 on the file of Puliampatti Police Station for the offence under Sections 126(2), 296(b), 351(3) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002 and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, altered into Section 126(2), 296(b), 351(3) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, wherein, bail has been granted to one G.K.Murthy, has come to the conclusion that there is a real possibility of the detenu coming out on bail. According to the learned counsel, the case registered against the petitioner in the ground case is for the offence under Section 126(2) BNS and Section 11(i)(iv) read with Section 12 of the POCSO Act altered into Section 126(2) BNS and Section 11(i)(iv) read with 12 of POCSO Act and Section 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Therefore, according



to him, the similar case relied upon by the detaining authority for arriving at the subjective satisfaction that the detenu is likely to be released on bail, is in fact, not similar.

5. *Per contra*, learned Government Advocate (Crl. Side), while reiterating the averments in the counter affidavit, would submit that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6. Heard the submissions made by both sides. On a perusal of the detention order, it is seen that, admittedly, in the ground case, no bail application has been filed either by the detenu or by his relatives so far. If that be so, the subjective satisfaction arrived at by the detaining authority that there is real possibility of his coming out on bail would be mere *ipse dixit* and that would vitiate the order of detention. It is a trite law that when no bail application is pending, it is only a logical conclusion that there is no likelihood of the person in custody would be released on bail. There are no materials available to show that a bail application is being moved, on behalf of the detenu, either by his relatives or by any other person, to take him out on bail. Thus, there is no real possibility of the detenu coming out on bail. Therefore, the conclusion of the detaining authority that there is a possibility of the detenu coming out on bail shows his non application of mind while passing the



detention order.

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Further, the case relied upon by the detaining authority as similar to the ground case relates to some other person and the offences for which the criminal case was registered therein is different from the ground case. On that ground also, this court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order.

7.In the result, the Habeas Corpus Petition is allowed and the detention order of the 2nd respondent in Cr.M.P.No.64/Sexual Offender/2025-C1, dated 31.10.2025, is set aside. The detenu, namely Karthi, S/o.Rangasamy, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

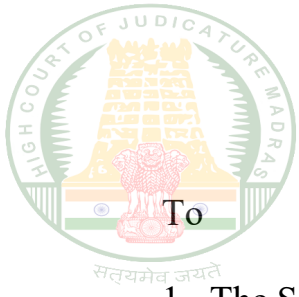
(N.S.K.,J.) (K.R.S.,J.)
11-08-2026

Note to Office :

Registry to communicate this order to Jail authorities in Central Prison, Coimbatore, forthwith.

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MKN



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector
Erode District.
3. The Superintendent of Police,
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4. The Sub-Inspector of Police,
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5. The Public Prosecutor,
High Court, Madras.



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