



HCP No.1154 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

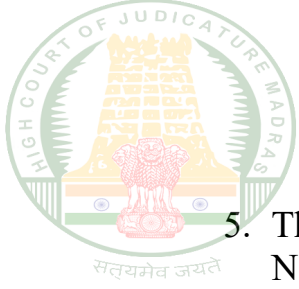
HCP No. 1154 of 2026

Uma
W/o Duraisamy,
No.96(3), Ayanakadu,
S.G.Valasueast,
Veerapanchaitram,
Erode.

..Petitioner/Mother of
the Detenu

Vs

1. The Secretary to the Government
Home Prohibition and Excise Department,
Secretariat,
Chennai – 600009.
2. The District Magistrate and District Collector,
Erode District.
3. The Superintendent of Prison,
Central Prison,
Coimbatore.
4. The Superintendent of Police,
Erode District.



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5. The Inspector of Police
North Police Station,
Erode.

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...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent against the detenu dated 11.08.2025 in detention order passed by the 2nd respondent against the detenu, dated 11.08.2025 in detention order in Cr.M.P.No.41/Goonda/2025 C1 and set aside the same and produce the Detenu Aravind, aged about 20 years S/o Dhuraisamy now detained in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner: M/s.R.Radha Pandian

For Respondents : Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of detenu – Aravind, aged 20 years, S/o Duraisamy, has filed this petition challenging the detention order dated 11.08.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).



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2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu for the respondents.

3. The detention order is liable to be quashed for more than one reason. Firstly, on perusal of records, it is seen that the special report sent by the sponsoring authority is undated. The compelling necessity to detain the detenu would depend on the date on which the sponsoring authority has sent his report. In the absence of the said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful.

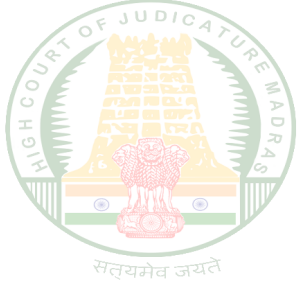
4. Further in '*Rekha Vs. State of Tamil Nadu through Secretary to Government and another*' reported in '*2011 [5] SCC 244*', the Hon'ble Supreme Court had held that where the detention order is passed on any irrelevant material, then, the detention order is liable to be quashed.

5. Secondly, it is seen from the grounds of detention that the detaining authority has relied upon an order passed in CrI.MP.No.5613 of



2021 by the learned Judicial Magistrate, Erode, to arrive at a conclusion that in similar cases, bail has been granted by the Courts; and that therefore, the detenu is likely to be released on bail by filing the bail application.

6. In the ground case, the offences alleged against the detenu are under Sections 309(6), 311, 238 and 103(2) of the Bharatiya Nyaya Sanhita, 2023. In the order relied upon by the detaining authority, it is seen that the Judicial Magistrate Court No.1 of Erode had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits. Further, the offences alleged against the accused therein are only under Section 457, 392 and 302 of the IPC. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu would indulge in further criminal activities after his release also is without any basis. For both the reasons, the detention order is liable to be quashed.



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7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Cr.M.P.No.41/Goonda/2025 C1 dated 11.08.2025, is set aside.

8. The detenu, viz., Aravind, aged 20 years, S/o Duraisamy, who is now confined in Central Prison, Coimbatore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

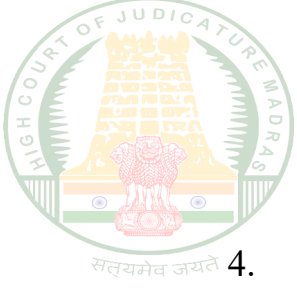
(A.S.M.,J.) (S.M.,J.)
07-07-2026

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

dk

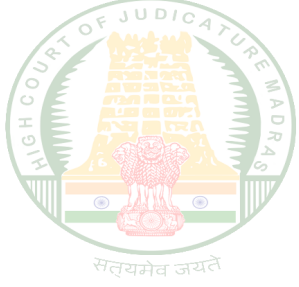
To

1. The Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Chennai – 600009.
2. The District Magistrate and District Collector
Erode District.
3. The Superintendent of Prison
Central Prison, Coimbatore.



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4. The Superintendent of Police
Erode District.
5. The Inspector of Police
North Police Station,
Erode.
6. The Joint Secretary,
Law and Order Department, Secretariat,
Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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