



WEB COPY

HCP No. 1663 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1663 of 2025

Jayalakshmi
W/o.Sugumar,
No.140, Indira Gandhi Nagar,
West Kailasam, 2nd Street,
Erukkanchery, Chennai - 118.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
O/o.Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Special Prison for Women,
Trichy District.
4. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai District.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other Writ or Direction



calling for the entire records connected with the detention order in No.553/BBCDEFGISSSV/2025 dated 08.08.2025 on the file of the Respondent No.2 and quash the same and direct the respondents to produce the body and person of the petitioner's daughter one named Tmt.DHARANI W/o.Chandrasekar aged about 28 years now confined at Special Prison for Women, Trichy before this Honble Court and set her at liberty.

For Petitioner(s): Mr.P.Muthamizhselvakumar

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr.M.Sylvester John

ORDER

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

The mother of the detenue who has been detained as a Drug Offender under Section 2(e) of Tamil Nadu Preventive Detention Act, 1982, has filed the petition to quash the detention order dated 08.08.2025.

2.Learned counsel for the petitioner would submit that the detenue had filed a bail application and the same was pending on the date of detention and the detaining authority had relied upon an order passed in CrI.M.P.No.5272 of 2022 to arrive at the subjective to satisfaction that the detenue is likely to be, released on bail; that the facts in CrI.M.P.No.5272 of 2023 are not similar as in that case the accused was granted bail since the final report was not filed within the statutory period and not on merits.

3.Heard learned Additional Public Prosecutor.



4. On perusal of the order passed in CrI.M.P.No.5272 of 2023, we find that the learned counsel is justified in making the said submission. The order granted to the accused in that case is under Section 167(2) Cr.P.C. as the final report was not filed within the statutory period. Therefore, the detaining authority ought not to have relied upon the said order and hence his subjective satisfaction that the detainee is likely to be released on bail and indulge in criminal activities suffers from non-application of mind. Therefore, we are inclined to set aside the impugned detention order.

5. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.553/BBCDEFGISSSV/2025, dated 08.08.2025 is hereby set aside.

6. The detainee, viz., Dharani, W/o. Chandrasekar, aged 28 years, who is now confined in Special Prison for Women, Trichy, is hereby directed to be set at liberty forthwith unless her presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)

16-03-2026

vs

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today.



To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
O/o. Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Special Prison for Women,
Trichy District.
4. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai District.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

VS

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