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HCP No. 2619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2619 of 2025

Nivedha

..Petitioner(s)

Vs

1. State of Tamilnadu rep.by Add Chief Secretary,
Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate
Chennai District.
3. The Commissioner of Police
Chennai District.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
5. The Inspector of Police
Thousand Light Police station,
Chennai District.

..Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records of the detention date on 29.08.2025 in detention order No.623/BBCDEFGISSSV/2025 on the file of the third respondent herein, and quash the same and direct the respondents herein to produce of the detenu Saran Babu, S/o.Stalin, Hindu aged about 25 years, who is now confined in central prison Puzhal, before this court, and set him at liberty.

For Petitioner(s): Mr.R.Thamarai Selvan

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 wife of the detenu – Saran Bablu, S/o.Stalin, aged 25 years, has filed this petition challenging the detention order dated 29.08.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

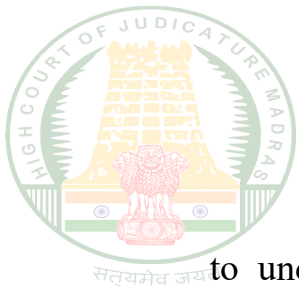


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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention the detaining authority has stated that though the detenu's bail application [for Cr.No.244 of 2025] before the Session's Court in CrI.M.P.No.11467 of 2025 was granted on 13.08.2025, as he had not offered sufficient sureties, he is still in prison and in the event of offering surety, he may come out on bail; that his bail application [for Cr.No.245 of 2025] before the Sessions Court in CrI.MP.No.7915 of 2025 was dismissed on 25.08.2025; and that the Sessions Court had granted bail to the similarly placed accused in CrI.MP.No.20525 of 2024. He had stated so to infer that the detenu is also likely to be released on bail.

5. The detaining authority has further stated in paragraph 4 of the grounds of detention that the sponsoring authority had stated that he came



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to understand that the detenu's relatives are taking steps to take the detenu out on bail in Cr.No.245 of 2025. However, we find that the sponsoring authority had not stated so in his special report dated 28.08.2025. The sponsoring authority had also not recorded the statement of any relative of the detenu to satisfy the detaining authority that the detenu is likely to file a bail application and come out on bail. Therefore, the observation of the detaining authority in paragraph 4 as aforesaid is without any basis and on an erroneous reading of the special report of the sponsoring authority. Therefore, the satisfaction arrived at by the detaining authority that the detenu is likely to move a bail application and be released on bail, suffers from non-application of mind and the detention therefore, is liable to be quashed on this sole ground.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the third respondent in No.623/BBCDEFGISSSV/2025 dated 29.08.2025 is set aside.

7. The detenu, viz., Saran Bablu, S/o.Stalin, aged 25 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be



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set at liberty forthwith unless his presence is required in connection with any other case.

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(A.S.M.,J.) (S.M.,J.)
22-04-2026

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

Note to office:
Issue order today.

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To

1. The Additional Chief Secretary,
Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate
Chennai District.
3. The Commissioner of Police
Chennai District.
4. The Superintendent of Prison,
Central Prison, Puzhal, Chennai District.
5. The Inspector of Police
Thousand Light Police station,
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6. The Public Prosecutor,
High Court, Madras.



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

ars

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