



HCP No. 2757 of 2025

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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. 2757 of 2025

Lingeshwari

..Petitioner(s)

Vs

1. State Rep.by its, Home Secretary to the
Government of Tamil Nadu,
Home Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
G7, Chetpet Police Station,
Chennai.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in relating to the order of Detention No.597/BBCDEFGISSSV/2025 against the Petitioners Son, Vinoth @ Poochi Vinoth, the Detenu, Male, aged about 25 years, son of Selvaraj, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the Detenu before this Court and set him at liberty.



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For Petitioner(s): Mr.V.Vasanth
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 detenu – Vinoth @ Poochi Vinoth, S/o. Selvaraj aged 25 years, has filed this petition challenging the detention order dated 25.08.2025, 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.

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.



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4. In the grounds of detention, the detaining authority has stated that the detenu had filed the bail application in Crl.MP.No.11483 of 2025 and the same was pending; and that in a similar case, bail was granted by the learned Principal Sessions Judge, Chennai in Crl.MP.No.387 of 2025 on 09.01.2025.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the instant case, there are admittedly three adverse cases against the detenu, whereas in the order relied upon by the detaining authority, the accused therein had one previous case. The facts in the two cases are also not similar. Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail.

6. Further, the government order delegating the power to the detaining authority to detain persons under the Tamil Nadu Act 14 of 1982, has not been furnished to the detenu, though the same has been referred to in the detention order. The failure to supply the said document



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has deprived the detenu of his right to make effective representation.

Consequently, his continuous detention is rendered illegal. Hence, for both the reasons, the detention order is liable to be quashed.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.597/BBCDEFGISSSV/2025 dated 25.08.2025 is set aside.

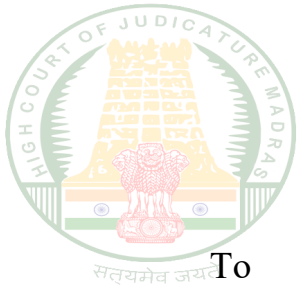
8. The detenu, viz., Vinoth @ Poochi Vinoth, S/o.Selvaraj, aged 25 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
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
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1. The Home Secretary to the Government of Tamil Nadu,
Home Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
G7, Chetpet Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.



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

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