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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 07.04.2026

Pronounced on: 27.04.2026

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH  
and  
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2714 of 2025

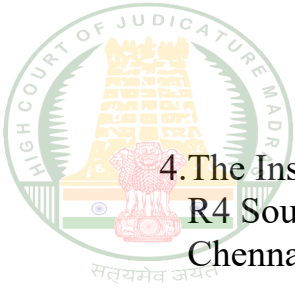
and Crl.M.P.No.2597 and 5984 of 2026

Neelima  
W/o.Varaaki  
Aged about 46 years  
Door No.19, D1 Block,  
TAISHA Apartments  
Natesan Nagar, Virugambakkam,  
Chennai – 600092.

.. Petitioner

VS

- 1.The Additional Chief Secretary  
Home, Prohibition and Excise Department  
Secretariat, Chennai – 600009.
- 2.The Commissioner of Police  
Greater Chennai City Police  
Office of the Commissioner of Police  
Vepey, Chennai – 600 007.
- 3.The Superintendent of Prisons  
Central Prison, Puzhal-II  
Chennai – 600066.



4.The Inspector of Police  
R4 Soundarapandiyanar Angadi Police Station,  
Chennai. (Crime No.280 of 2025)

.. Respondents

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**Prayer:** Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus or any other appropriate writ or order or direction in the nature of writ and call for the records relating to the detention order No.1001/BBCDEFGISSSV/2025 dated 03.12.2025 passed by the 2<sup>nd</sup> respondent and set aside the same and direct the respondent to produce the body of the detenu Mr.VARAANKI, S/o.Radhakrishnan, aged 51 years, now detained in Central Prison-II, Puzhal, Chennai, before this Hon'ble Court and set him liberty forthwith.

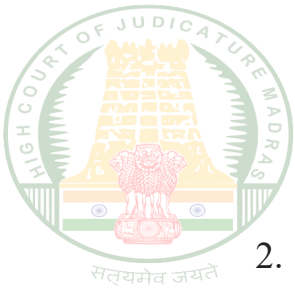
For Petitioner :Mr.Arun Anbumani  
For Mr.P.Rajkumar

For Respondent :Mr.R.Muniyapparaj  
Additional Public Prosecutor  
Assisted by  
Mr.M.Sylvester John

### **ORDER**

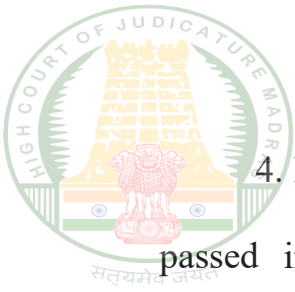
**(Order of the Court was delivered by Dr. ANITA SUMANTH, J.)**

The wife of one Varaaki S/o. Radhakrishnan (detenu) Central Prison-II, Puzhal, Chennai has approached this Court challenging detention order dated 03.12.2025 passed on the basis that the detenu is a Sexual Offender under Section 2 (ggg) of the Tamil Nadu Preventive Detention Act, 1982 (in short 'Act').



2. The submissions of Mr.ArunAnbumani, learned counsel appearing for Mr.P.Rajkumar, learned counsel for the petitioner are that the detention order is bad in law and contrary to the mandate of the Act. It has been passed in excess of jurisdiction conferred on the detaining authority.

3. Learned counsel would argue that there is no justification in classifying the detenu as a sexual offender; that the charges made against him under Sections 74, 79, 296 (b) and 351 (2) of the Bharatiya Nyaya Suraksha Sanhita (BNSS), 2023 and Section 4 of the Tamil Nadu Prohibition of the Harassment of Women (Amendment) Act, 2002 are wholly unjustified and have no basis; that the detenu has been singled out for discriminatory, biased, and illegal treatment; that the intimation of arrest has not been produced or served on the detenu as required by law; that the grounds of arrest were never served by the detaining authority, but given only by the Court in violation of the stipulated procedure; that the subjective satisfaction of the detaining authority is incorrect; that the incident on the basis of which the ground case has been framed never took place; that there has been an untold delay in dispatching and disposal of the representation of the detenu, which is in violation of the statutory provisions and in all, the impugned order of detention is liable to be quashed on the above grounds.



4. Learned counsel also takes us in detail through the orders of this Court passed in this HCP on 30.12.2025 and in CrI.M.P.No.2597 of 2026 in HCP.No.2714 of 2025 on 27.02.2026. He draws attention to various other proceedings taken by the police authorities as against the detenu to buttress his submission that the detenu has been victimized by the authorities without any justification or basis in law or in fact.

5. He relies on the following decisions to support his submissions.

1. *JaseelaShaji v. Union of India and others*<sup>1</sup>
2. *Vaddi Lakshmi v. State of Telangana and others*<sup>2</sup>
3. *MalladaK.Sri Ram v. State of Telangana and others*<sup>3</sup>
4. *Shanmugam v. State of Tamil Nadu and another*<sup>4</sup>
5. *A.Kamala v. The State of Tamil Nadu & Others*<sup>5</sup>
6. *A.Kamala v. The State of Tamil Nadu & Others*<sup>6</sup>
7. *The Government of Tamil Nadu and another v. S.Indramoorthy*<sup>7</sup>
8. *Mihir Rajesh Shah v. State of Maharashtra and another*<sup>8</sup>

6. Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel appearing for the respondents would defend the impugned order pointing out that there are a total of five adverse cases in which the detenu is involved and hence, the authorities have every justification in apprehending the detenu, as he is a threat to public safety and order. The incident on the basis of which the preventive detention was made

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<sup>1</sup> (2024) 9 SCC 53

<sup>2</sup> (2024) 17 SCC 231

<sup>3</sup>(2023) 13 SCC 537

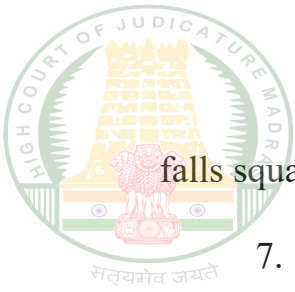
<sup>4</sup>2014 (1) MWN (Cr.) 341 (DB)

<sup>5</sup> 2024:MHC:3023

<sup>6</sup>Special Leave to Appeal (CrI.)Nos.8706-8707 of 2024 dated 06.06.2024

<sup>7</sup> CrI.M.P.No.5340 of 2020 in CrI.M.P.No.3983 of 2020 in HCP.No.747 of 2020 dated 29.09.2020.

<sup>8</sup>2025 INSC 1288



falls squarely within the ambit of the charges framed on the detenu.

7. He would also argue that the sponsoring and detaining authorities have rightly noted that the relatives of the detenu are taking urgent action to enlarge him on bail and have also cited similar instances where bail petitions have been allowed. It is in such a situation that, apprehending the danger posed by the detenu to public order, that the arrest had been made. He would also argue that sufficient opportunity was not given to them before order dated 30.12.2025 was passed by this Court and in any event, there is no merit in the grounds now raised in this HCP and the same is liable to be dismissed.

8. He relies upon the following decisions in support of his submissions:

1. *Mihir Rajesh Shah v. State of Maharashtra and another*<sup>9</sup>
2. *State of Karnataka v. Sri Darshan Etc.*,<sup>10</sup>
3. *State of Maharashtra and others v. Tasneem Rizwan Siddiquee*<sup>11</sup>

9. This habeas corpus petition had been admitted on 26.12.2025, when the learned Additional Public Prosecutor was directed to obtain instructions and the matter was adjourned to 30.12.2025.

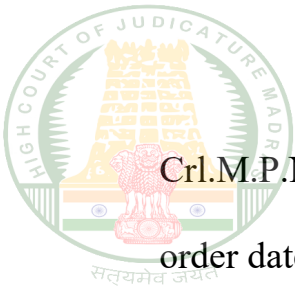
10. On 30.12.2025, the Court has passed a detailed order granting interim bail on conditions. The detenu had substantially complied with the conditions, except that he had not surrendered before the prison authorities on 30.03.2026 on account of a Miscellaneous Petition that had been filed by the detenu in

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<sup>9</sup>(2026) 1 SCC 500

<sup>10</sup>2025 SCC OnLine SC 1702

<sup>11</sup>(2018) 9 SCC 745



Crl.M.P.No.5984 of 2026 seeking extension of time to surrender as stipulated in order dated 30.12.2025 passed in HCP No.2714 of 2025.

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11. When the matter had been listed before us on 01.04.2026, we reiterated the condition directing him to surrender before the authorities by 10.30 am on 02.04.2026. Since pleadings were complete in the matter, at request of learned Additional Public Prosecutor, we had listed the matter on 07.04.2026 on which date, we had noted compliance with the directions under order dated 01.04.2026 qua surrender of the detenu.

12. It is in these circumstances that the matter has been taken up for final hearing with the consent and concurrence of both parties and in light of pleadings being complete. In such circumstances, we find no justification in the complaint of the respondents that the State was not heard when the previous orders were passed.

13. In any event, order dated 30.12.2025 has not been challenged and hence it is too late in the day for the State to be raising such a grievance now at the time of final hearing. That preliminary objection now being out of the way, we now deal with each ground of challenge on the merits, in seriatim.

14. The incident that forms the basis/ground case for the impugned order of detention, is alleged to have taken place on 28.11.2025. A case had been

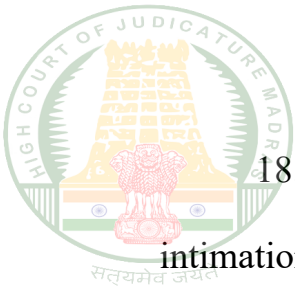


registered in Cr.No. 280 of 2025 on 28.11.2025 and offences registered under Sections 74,79, 296(b) and 359(2) of Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002.

15. Though we would normally be reluctant to refer to the merits of the matter, there are categorical observations in order dated 30.12.2025 based on the facts recorded in the FIR that reveal clearly that the ground case is based on a landlord-tenant dispute.

16. The complainant is the owner of the property at 3A, Mantra Apartments, No.23, North Boag Road, T.nagar, Chennai – 600017 where the detenu and his family are tenants. The events of 28.11.2025 are said to have been caught on CCTV and photographs of the persons involved in the alleged incident are produced before us.

17. Surprisingly, those photographs do not reveal the presence of the complainant at the time when the alleged offence is stated to have taken place. The photographs have been furnished to the respondents as well and there is no defence put forth in this regard. There is also no objection put forth by the respondents to the photographs themselves, which would go to support the petitioners' version of the events. Hence, prima facie, the very incident on the basis of which the detention has been ordered, is moot.



18. The first argument relates to the alleged non-service of arrest intimation. In the order of detention, the authorities have stated that the arrest intimation was given to the petitioner over phone and through SMS. The booklet containing the grounds, contains the arrest intimation sent by Whatsapp at page 24 of Volume I, and the receiver as indicated therein is the petitioner with the phone number 8637401037, Guntur, AP.

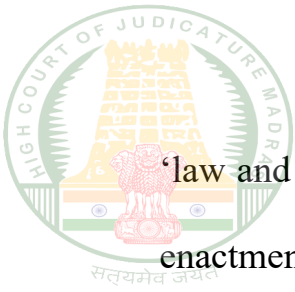
19. Though there has been some peripheral discussion in regard to whether that telephone number belongs to the petitioner, ultimately, the discussion appears to conclude on the point that the phone number is, indeed, hers. Learned counsel for the petitioner does not thus pursue this point any further.

20. The gravamen of the petitioner's case is that the basis of assumption of jurisdiction by the authorities falls foul of the scheme of Act 14 of 1982. The spirit and object of Act 14 of 1982 is to preserve public order. For this purpose, various persons who are legitimately understood to pose a threat to maintenance of public order may be detained if there is sufficient material available with the authorities to support their subjective satisfaction in this regard.

21. The Supreme Court in *Commissioner of Police and others V. C.Anita(Smt)*<sup>12</sup> has dealt with the scope and ambit of the phrases 'public order',

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<sup>12</sup> (2004) 7 SCC 467



‘law and order’ and ‘security of the State’ in the context of the Andhra Pradesh enactment, in pari materia with Act 14 of 1982 in Tamil Nadu.

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22. Drawing inspiration from the judgment in *Union of India V. Amrit Lal Manchanda*<sup>13</sup>, the Supreme Court has held that the object of preventive detention was not punitive but only preventive. There is a clear distinction between preventive detention and criminal proceedings and the stipulations under the respective State enactments providing for preventive detention must be scrupulously adhered to in order to ensure that the distinction is maintained.

23. Thus, it is only if the State is able to produce material to establish that the individual concerned was a threat to ‘maintenance of public order’ that preventive detention would be justified. The phrase ‘*acting in any manner prejudicial to the maintenance of public order*’, has been defined in Section 2(a) of Act 14 of 1982, specific to the context of a sexual offender, as follows:

2. Definition – (1) In this Act, unless the context otherwise requires-

(a) "*acting in any manner prejudicial to the maintenance of public order*", means –

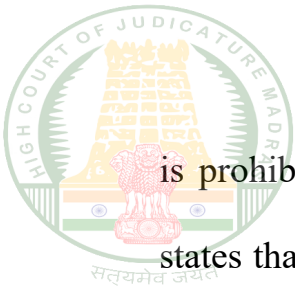
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(iv-B) *in the case of a sexual-offender, when he is engaged, or is making preparations for engaging, in any of his activities as a sexual-offender, which affect adversely, or likely to affect adversely, the maintenance of public order.*’

24. Section 3 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998 (in short TNPHW Act) states that harassment of woman at any place

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<sup>13</sup> (2004) 3 SCC 75



is prohibited, and Section 4 prescribes penalty for harassment of woman and states that whoever commits or participates in or abets harassment of woman in specified places or '*any other place*' shall be punished. Thus, undoubtedly, harassment of a woman in any place is an offence punishable under the TNPHW Act.

25. However, the question that arises in the present case, is as to whether the offence alleged, constitutes a threat to public order under Act 14 of 1982, and, preventive detention of a person alleged to be a sexual offender must be tested in the light of the express language of Act 14 of 1982. In the present case, no part of the incident on the basis of which Act 14 of 1982 has been invoked, has, even according to the authorities, taken place in public, and the public are, admittedly, not privy to the subject, alleged incident. Hence, the condition precedent for invoking Act 14 of 1982 fails.

26. A similar set of circumstances as before us was considered by the Supreme Court in the case of *Vaddi Lakshmi*<sup>14</sup>. In that case, the detention was based on a complaint for various IPC offences concerning allegations of sexual assault on a woman, a public servant. The Supreme Court had opined that the invocation of Section 3 of the Telangana Act 1 of 1986 would not be justified on the ground of mere involvement in a sexual offence.

27. According to the Court, the offence charged upon the detenu must be

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<sup>14</sup> Foot Note Supra (2)



integrally connected with an act that is prejudicial to the maintenance of public order. The grounds that were laid as against the concerned individual in that case did not reveal how the authorities apprehended any prejudice to the maintenance of public order. So too in the present case. The grounds laid out in the present case also, are only in general terms, and do not indicate any prejudice to public order. Thus, in our considered view, the mere statements of the authority to the effect that public order would be violated sans any material to support the same, is mere ipse dixit unsustainable in law.

28. Yet another ground raised by the detaining authority to sustain the order of detention is the fact that the detenu may be enlarged on bail. To buttress the ground that there is imminent possibility of him coming out on bail, he compares the detenu's case with the case of an accused in CrI.O.P.No.19253 of 2025, where bail has been granted by this Court on 07.07.2025.

29. On a perusal of that case, we find that that accused had been arrested and remanded for offences under Sections 74, 79, 351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNSS), 66C, 67A of the Information Technology Act, 2000 and Section 4 of the TNPHW Act, 2002.

30. In the case of the detenu, the charges do not involve any offence under the Information Technology Act or Section 296(b) of BNSS. Hence, the two cases are different and comparison of two dissimilar cases vitiates subjective satisfaction of the detaining authority and indicates non-application

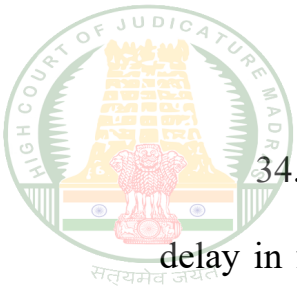


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31. As against the grant of interim bail, the State had filed an application for cancellation thereof in CrI.M.P.No.2597 of 2026, that came to be dismissed on 27.02.2026 by the Division Bench of this Court. In that order, the Division Bench has yet again reiterated that there was no justification whatsoever for the invocation of Act 14 of 1982 in the admitted facts and circumstances of the instant case. That order has become final.

32. Moreover, the detenu had approached this Court in CrI.O.P.Nos.31418, 31419, 31425, 31426 and 31429 of 2024 seeking transfer of Crime Nos.180 of 2024, 182 of 2024, 266 of 2024, 181 of 2024 and 176 of 2024 to the Central Bureau of Investigation (CBI), and, by order dated 13.02.2025, the prayer had been accepted. The findings in that order too, are categorical that the approach of the State in this matter has been adversarial, unfair and unjustified, seemingly determined to foist charges upon the detenu one way or the other even without justification.

33. Those cases are hence under investigation by the CBCID and order dated 13.02.2025 has attained finality. With this, the observations contained therein, in relation to the unfair approach of the State as against the detenu also stand confirmed.



34. Before closing, we would like advert briefly to the ground relating to delay in furnishing the grounds of arrest. Needless to say, our findings in this regard are only prima facie, as trial is underway. Article 22 of the Constitution of India protects citizens against arrest and detention and states that no person who is arrested shall be detained in custody without being informed as soon as may be, of the grounds for such arrest, apart from affording other protections in that regard.

35. The incident in question took place on 28.11.2025, and the arrest of the detenu was on 30.11.2025 at 4.00 p.m. after preliminary enquiry by the authorities. It is the petitioner's case, relying on order of remand passed on 30.11.2025 by the XVII Judicial Magistrate, Saidapet, Chennai, that the grounds were furnished to the detenu belatedly.

36. The petitioner, taking a cue from the judgment of the Supreme Court in *Mihir Rajesh Shah*<sup>15</sup> where the Apex Court has reiterated the constitutional mandate under Article 22 of the Constitution of India, has also argued that there has been a violation of the constitutional scheme as the grounds of arrest have been supplied to the detenu only by the Court, a.

37. The arrest took place on 30.11.2025 at 4.00 p.m, and the detenu was produced before the Learned Magistrate on 30.11.2025 when the following

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<sup>15</sup> Foot Note Supra (9)



order was passed, *'accused produced before me on 30.11.2025 at 9.35 p.m at remand room Egmore. Produced by Mr.Mukesh Rao, Inspector of Police. The*

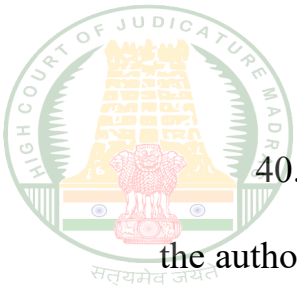
*grounds of arrest, right of bail, free legal aid are explained to the accused and served to the accused by this Court'*. Hence, as per the records, the grounds of arrest have been furnished to the detenu only after 9.30 pm on 30.11.2025.

38. From the time of arrest at 4 p.m. till after 9.30 p.m. when the detenu was produced before the Court, that is, for a period of 5 ½ hours, he had not been supplied with the grounds of arrest. In *Mihir Rajesh Shah*<sup>16</sup>, the Court holds that the grounds of arrest must be supplied to the person arrested, upon arrest, or soon thereafter.

39. If the grounds are not supplied on arrest, the Court states, the same should be supplied within a reasonable time, that would be at least *'2 hours prior to production of the arrestee for remand proceedings before the Magistrate'*. Thus, the arrestee ought to have been supplied with a copy of the grounds of arrest at least by 7.30 p.m. of that day. However, admittedly, this has not been done and he has been supplied with the grounds of arrest only on his production at 9.35 p.m. in connection with the remand proceedings before the Magistrate.

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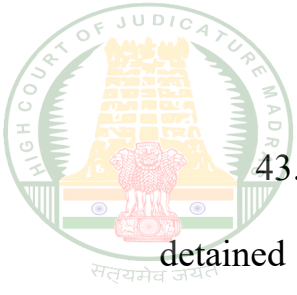
<sup>16</sup> Foot Note Supra (9)



40. The dates, times and events of 30.11.2025 are a matter of record and the authorities have not been in a position to dispute any of the same. The arrest at 4 p.m., production before the Court for remand at 9.35 p.m., and furnishing of the grounds at that juncture, are part of the Court's order dated 30.11.2025. The purpose of the requirement that grounds of arrest are supplied well in advance to the detenu, are to afford a real and effective opportunity to the arrestee to defend himself and put forth a case for his release. If the grounds are supplied to him at the time of remand by the learned Judge, such opportunity becomes illusory as he would hardly be in a position to marshal his points to defend himself against the remand.

41. In view of the detailed discussion supra, we are left in no doubt that the detenu has been unnecessarily targeted by the State and for this reason, while allowing this HCP , we impose costs of Rs.50,000/- payable to the detenu within a period of four (4) weeks from today.

42. This Habeas Corpus Petition is allowed with costs and the Detention Order passed by the second respondent in Detention order No.1001/BBCDEFGISSSV/2025 dated 03.12.2025 is set aside. Connected Miscellaneous Petitions are closed.



43. The detenu, viz., Varaki, S/o.Radhakrishnan, aged 51 years, now detained in Central Prison-II, Puzhal, Chennai, is directed to be 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.]  
27.04.2026

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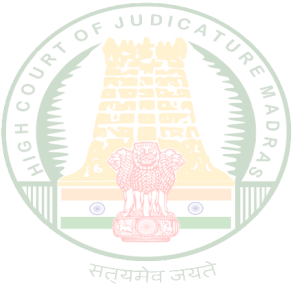
Index:Yes/No

Speaking Order / Non-speaking Order

Neutral Citation:Yes/No

To

1. The Additional Chief Secretary  
Home, Prohibition and Excise Department  
Secretariat, Chennai – 600009.
- 2.The Commissioner of Police  
Greater Chennai City Police  
Office of the Commissioner of Police  
Vepery  
Chennai – 600 007.
- 3.The Superintendent of Prisons  
Central Prison, Puzhal-II  
Chennai – 600066.
- 4.The Inspector of Police  
R4 Soundarapandiyanar Angadi Police Station,  
Chennai.
- 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.

sl/ssm

H.C.P.No.2714 of 2025

27.04.2026