WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 113 of 2026

Mariselvi
W/o.Selvakumar,
Flat No.30, Venkateshwara nagar,
Edapalayam,
Alamathi,
Thiruvallur District-600 052. ..Petitioner(s)

Vs

1. The State of Tamilnadu rep.by its,
   Secretary to the Government,
   Home, Prohibition and Excise Department,
   Fort St.George,
   Chennai-600009.

2. The Commissioner of Police/Detaining authority,
   Avadi City,
   Office of the Commissioner of Police,
   Avadi, Chennai-600054.

3. The Superintendent, Central Prison,
   Puzhal, Chennai-600 052.

4. The state rep.by,
   Inspector of Police,
   M-4- Red Hills Police Station,
   Thiruvallur District.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or direction particularly in the nature of WRIT OF

https://www.mhc.tn.gov.in/judis

WEB COPY

HABEAS CORPUS to produce petitioner's husband namely Thiru.Selvakumar, S/o.Jayaraj, aged 38 years, who is detained in Central Prison, Puzhal, before this Honourable Court and set him at liberty forthwith by calling for the records pursuant to the detention order dated 07.11.2025, passed in Memo No.165/TNPD/APC/2025 by the 2nd respondent and quash the same.

For Petitioner(s): Mr.G.Martin Manivannan for Mr.R.Gokulakrishnan

For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu (Criminal Side)

Order

(Order of the Court was made by Dr.Anita Sumanth J.)

The wife of one Selvakumar (detenu) S/o Jayaraj, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 07.11.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing out to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Mr.G.Martin Manivannan, learned counsel for Mr.R.Gokulakrishnan, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. We agree that the subjective satisfaction of the detaining authority is vitiated for the reason that he relies upon an order passed in Crl.O.P.No.27950 of 2024 on 08.11.2024 passed by this Court. The detenu has moved a bail petition before the Principal District Judge, Thiruvallur in Crl.M.P.No.4651 of 2025 and the same is pending.

5. The inference that the detenu is likely to come out on bail is based on a comparison of the detenu's case with the case of the accused in Crl.O.P.No.27950 of 2024. We have compared the offences allegedly committed by that accused with the offences in the present case and find that the offence committed in the relied upon case is under Section 103 of BNSS, whereas, in the present case, the offences are under Sections 103, 238 of BNSS and Section 3(2)(v) of the SC/ST/(POA) Act.

6. Since the circumstances in the present matter are far graver, we find that the subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, as the gravity of the offences in the present case would, no doubt, weigh with the authorities as and when the bail application filed by the detenu would be considered.

7. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit.

https://www.mhc.tn.gov.in/judis

WEB COPY

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.165/TNPD/APC/2025 dated 07.11.2025 is set aside.

9. The detenu, viz., Selvakumar, S/o.Jayaraj, male aged 38 years, who is now confined in Central Prison, Puzhal, Chennai, is 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.)
20-07-2026

sl
Index: Yes/No
Speaking order
Neutral Citation: Yes
Note to Registry: Issue Today.
To

1. The Secretary to the Government,
   Home, Prohibition and Excise Department,
   Fort St.George, Chennai-600009.
2. The Commissioner of Police/Detaining authority,
   Avadi City, Office of the Commissioner of Police,
   Avadi, Chennai-600054.
3. The Superintendent, Central Prison,
   Puzhal, Chennai-600 052.
4. The Inspector of Police,
   M-4- Red Hills Police Station, Thiruvallur District.
5. The Joint Secretary to Government,
   Public (Law & Order), Secretariat,
   Fort St.George, Chennai-600 009.
6. The Public Prosecutor, High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

HCP No. 113 of 2026

20-07-2026

https://www.mhc.tn.gov.in/judis