



HCP No. 187 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 187 of 2026

Mubarak Hussain
S/o.Abdul Haq,
House No.2, Katiyadalang,
Jalukbari, Khanamukh,
Kamrup District Metro, Assam State.
(Now confined at Central Prison, Puzhal, Chennai)

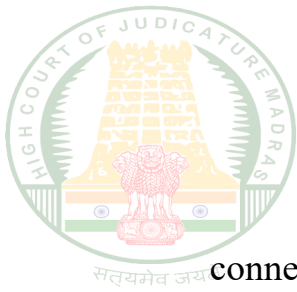
..Petitioner/Detenu

Vs

1. The Principal Secretary to Government
Home, Prohibition and Excise Dept.,
Secretariat, Chennai- 600 009.
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai- 66.
4. The Inspector of Police
Cyber Crime Wing,
Central Crime Branch,
Tambaram City.

..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



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connection with the order of detention passed by the 2nd respondent dt.30.11.2025 in Memo No. 163/BBCDEFGISSSV/2025 against the petitioner namely Mubarak Hussain, male aged 24 years, S/o.Abdul Haq, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Ms.S.Rohini
for Mr.S.Senthilvel

For Respondent(s): Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

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

The detenu - A.Mubarak Hussain, aged 24 years, S/o.Abdul Haq, has filed this petition challenging the detention order dated 30.11.2025, branding him as a 'Cyber Law Offender' under Section 2(bb) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.



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3. The detention order is liable to be quashed for more than one reason. In the grounds of detention, the detaining authority has stated that the detenu is in remand and has not filed any bail application; that the sponsoring authority has stated that the relatives of the detenu are taking steps to file bail application; and that in a similar case, bail was granted to the co-accused by the Court of the Principal Sessions Judge, Chennai, in CrI.M.P.No.10772 of 2025 on 06.11.2025.

4. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*.

5. Further, it is seen that the order relied upon by the detaining authority in CrI.M.P.No.10772 of 2025 dated 06.11.2025, has not been furnished to the detenu and only the translated version has been furnished. In '**Powanammal Vs. State of Tamil Nadu**' reported in '**(1999) 2 SCC 413**', the Hon'ble Supreme Court had held that non-supply



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of relevant documents to the detenu renders the detention illegal. For the aforesaid reasons, the impugned order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.163/2025 dated 30.11.2025, is set aside.

7. The detenu, viz., A.Mubarak Hussain, aged 24 years, S/o.Abdul Haq, 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.)
14-07-2026

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

Note: Issue order copy today.

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To

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Home, Prohibition and Excise Dept.,
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Chennai- 600 009.
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai- 66.
4. The Inspector of Police
Cyber Crime Wing,
Central Crime Branch, Tambaram City.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

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