



WEB COPY

HCP No. 364 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 364 of 2026

Selvam Mariyappan
S/o. Mariyappan,
Door No.2/359, K. Muthu Nagar,
Thandalai,
Thiruvarur District.

..Petitioner(s)

Vs

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The District Collector and District Magistrate
Coimbatore
Coimbatore District.
3. The Superintendent of Police,
Coimbatore
Coimbatore District.
4. The Superintendent of Prison,
Central Prison-Coimbatore,
Coimbatore District.

..Respondent(s)

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to call for the entire records, relating to the Petitioner's son detention under Tamil Nadu Act 14 of



1982 vide detention order, dated 31-1-2026 on the file of the second respondent herein made in proceedings Cr.M.P.No.01/G/2026, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely VINOTHKUMAR S/o. Selvam, aged 38 years before this Honourable High Court and set the petitioners son at liberty.

For Petitioner(s): Mr.W.Camlyes Gandhi
For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the second respondent in Cr.M.P.No.01/G/2026, dated on 31.01.2026 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non-application of mind on the part of the detaining authority in arriving at the



subjective satisfaction regarding imminent possibility of detainee being enlarged on bail while passing the impugned order of detention.

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4. The learned counsel for the petitioner submitted that the detainee was arrested and remanded to judicial custody in connection with the ground case and the detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order dated 22.12.2022 in CrI.M.P.No.45472 of 2022 wherein statutory bail was granted to the accused therein.

5. In this regard, the learned counsel drew the attention of this Court to order in CrI.M.P.No.45472 of 2022, which is enclosed at Page No.80 of Volume II of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail under Section 167(2) of Cr.P.C. Therefore, taking a default bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detainee being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent in Cr.M.P.No.01/G/2026, dated on 31.01.2026 is hereby set aside. The detainee namely Vinothkumar, S/o. Selvam



Male, aged about 38 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

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(N.S.K.,J.) (K.R.S.,J.)
17-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI

Note to Office: Registry to communicate this order to Jail authorities in the Central Prison, Coimbatore, forthwith.



To:

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The District Collector and District Magistrate
Coimbatore
Coimbatore District.
3. The Superintendent of Police,
Coimbatore
Coimbatore District.
4. The Superintendent of Prison,
Central Prison-Coimbatore,
Coimbatore District.
5. The Public Prosecutor,
High Court of Madras.



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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

SSI

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