



WEB COPY

HCP No. 466 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 466 of 2026

Ponnammal, Wife of Kuppusamy,
No.143(3), Jallikadu,
Gorimedu, Kannankurichi,
Salem - 636008.

..Petitioner(s)

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Salem City, Salem District.
3. The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Veeranam Police Station,
Salem City.

..Respondent(s)

Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF HABEAS CORPUS calling for the records pertaining to the Order of detention passed by the 2nd Respondent dated 05.12.2025 in C.M.P.No.105/Goonda/Salem City/2025 against the petitioners son namely



Ramkumar son of Kuppusamy aged about 27 years, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detinue before this Honble Court and set him at Liberty or pass any other Writ or Order in the nature of writ and pass such further orders as this Honble Court may deem fit and proper in the above stated Circumstances and thus render justice.

For Petitioner(s): Mr.S.Jeyakumar

For Respondent(s): Mr.M.Mohaamed Riyaz,
Government Advocate (Crl.Side)

ORDER

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

The order of detention passed by the 2nd respondent, dated 05.12.2025 in proceedings in C.M.P.No.105/Goonda/Salem City/2025 is sought to be quashed in this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and learned Government Advocate appearing for respondents. We have also perused the records submitted by the detaining authority.

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 passing the impugned order of



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4. Learned counsel for the petitioner submitted that the detenu has been remanded to judicial custody in connection with ground case and he has moved a bail petition in CrI.M.P.No.3258 of 2025 before the Principal Sessions, Judge, Salem and the same was dismissed. Thereafter, the petitioner has not filed any bail application and therefore, there is no real possibility of the detenu coming out on bail in the near future. However, the detaining authority by relying on the order passed by this court in CrI.O.P.No.29563 of 2024, dated 26.11.2024, wherein, bail has been granted to the accused concerned, has come to the conclusion that there is a real possibility of the detenu coming out on bail.

5. Per contra, learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6. Considering the submissions made by both sides, this court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. Admittedly, in the ground case, though the earlier bail petition filed by the detenu was dismissed, as on today, no bail petition has been filed by the detenu or by his relatives. If



that be so, the subjective satisfaction arrived at by the detaining authority that there is real possibility of his coming out on bail would be mere ipse dixit and that would vitiate the order of detention. It is a trite law that when no bail application is pending, it is only a logical conclusion that there is no likelihood of the person in custody would be released on bail. There are no materials available to show that a bail application is being moved, on behalf of the detenu, either by his relatives or by any other person, to take him out on bail. Thus, there is no real possibility of the detenu coming out on bail. Therefore, the conclusion of the detaining authority that there is a possibility of the detenu coming out on bail shows his non application of mind while passing the detention order. In such view of the matter, the impugned detention order is liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in CMP No.105/Goonda/Salem City/2025 is set aside. The detenu, namely, Ramkumar, aged 27 years, S/o Kuppusmy, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
13-08-2026

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

MST



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Salem City,
Salem District.
3. The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Veeranam Police Station,
Salem City.
5. The Public Prosecutor, Madras High Court.



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

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