



WEB COPY

HCP No. 458 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. 458 of 2026

Bhavani
W/o.Sasikumar,
No.132, Narayanappan Street,
Part Town, Chennai-1.

..Petitioner(s)

Vs

1. The State of Tamilnadu Rep. by its Additional
Chief Secretary,
Home, Prohibition and Excise Department,
Chennai - 600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai - 600 007.
3. The Superintendent ,
Central Prisons,
Puzhal, Chennai - 600 066.
4. The State Rep. by the Inspector of Police,
B-2 Esplanade Police Station,
Chennai District.

..Respondent(s)

Prayer: Habeas Corpus Petition is filed under Section 226 of the Constitution of India to issue a writ of Habeas Corpus or any other writ or a direction, calling for the records relating to the detention order in 1072/BBCDEFGISSSV/2025 dated 19.12.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of



1982 and quash the same and direct the respondents to produce the detenue Sasikumar @ Bravo Sasi, aged 28 years, S/o.Shanmugam, who is presently confined in the Central Prison Puzhal, Chennai before this Hon'ble Court and set him at liberty and pass such or further orders as this honble court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr..P.Santhosh

For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Sided)

ORDER

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

The order of detention passed by the second respondent bearing No.1072/BBCDEFGISSSV/2025, dated 19.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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.

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 one adverse 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 27.07.2023 in CrI.M.P.No.5272 of 2023, wherein statutory bail was granted to the accused therein.

5. In this regard, the learned counsel drew the attention this Court to order in CrI.M.P No.5272 of 2023, which is enclosed at Page No.193 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 No.1072/BBCDEFGISSSV/2025 dated on 19.12.2025 is hereby set aside. The detenu, viz., Manickam, male, aged about 30 years, S/o Pachamuthu, is directed to be set at liberty forthwith unless she 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 Additional Chief Secretary, State of Tamilnadu, Home, Prohibition and Excise Department , Chennai - 600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai - 600 007.
3. The Superintendent ,
Central Prisons, Puzhal,
Chennai - 600 066.
4. The State Rep. by the Inspector of Police,
B-2 Esplanade Police Station,
Chennai District.
5. The Public Prosecutor, Madras High Court.



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AND
K.RAJASEKAR, J.**

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