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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos.491 & 248 of 2026

Nareshkumar .. Petitioner in HCP/491/2026

Madeshwaran @ Madhu … Petitioner in HCP/248/2026

Vs

1. The Principal Secretary to Government,
   Home, Prohibition and Excise Department,
   Government of Tamil Nadu,
   Secretariat, Chennai - 600 009.

2. The District Magistrate and District Collector,
   Erode District,
   Erode.

3. The Superintendent of Police,
   Erode District.

4. The Superintendent of Prison,
   Central Prison, Coimbatore.

5. The Inspector of Police,
   Sivagiri Police Station,
   Erode District.

...Respondents in both HCPs

Prayer in HCP/491/2026 : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the detention order of the 2nd respondent in

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Cr.M.P.No.25/Goonda/2025 C1 dated 12.06.2025 and quash the same and direct the respondents to produce the body and person of the petitioner's father namely Achiappan son of Palani aged about 47 years detained in Central Prison, Coimbatore, before this Court and set him at liberty.

Prayer in HCP/248/2026 : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings Cr.M.P.No.26/Goonda/2025 C1 dated 12.06.2025 in detaining the detenu under Section 2(f) of the Tamilnadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the Detenu namely Madeshwaran @ Madhu, S/o.Natarajan, Male, aged about 53 years, who is now detained in Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty.

For Petitioner:	Mr.S.Mohamed Ansar (HCP/491/2026) Mr.O.S.Thilak Pasumbadiyar (HCP/248/2026)
For Respondents:	Mr.C.R.Malarvannan Counsel for Government of Tamil Nadu (Criminal Side) High Court of Madras

ORDER

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

The son of the detenu – Aachiappan, S/o.Palani, aged 47 years and the detenu – Madeshwaran alias Madhu, S/o.Natarajan, aged 53 years, have filed these petitions challenging the detention orders dated 12.06.2025, branding

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them as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsels for petitioners and learned counsel for Government of Tamil Nadu for respondents.

3.The detenus, are co-accused in Crime No.128/2025, registered for offences under Sections 332 (a), 103 & 311 BNS, 2023. The learned counsels appearing for the petitioners had raised a common ground in both the petitions and therefore, we are passing a common order.

4. The learned counsels submitted that both the detenus had not filed any bail application, which has been recorded by the detaining authority in the grounds of detention. However, the detaining authority had stated that there is a real possibility of the detenus filing a bail application in future and be released on bail, which is without any basis.

5.We have perused the grounds of detention in both the cases and found that in both the cases, the detenus had not filed any bail application. However, the satisfaction recorded by the detaining authority that the detenus are likely to be released on bail and indulge in similar activities is not based on any material admittedly. The observation of the detaining authority that the detenus are likely

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to file a bail application is his mere *Ipsi Dixit*. Therefore, the satisfaction of the detaining authority that the detenus are likely to be released on bail is vitiated. Hence, the detention orders are liable to be quashed.

6. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Order passed by the second respondent in Cr.M.P.No.25/Goonda/2025 C1 and Cr.M.P.No.26/Goonda/2025 C1 dated 12.06.2025 are set aside.

7. The detenus, viz., Aachiappan, S/o.Palani, aged 47 years and the Madeshwaran alias Madhu, S/o.Natarajan, aged 53 years, who are now confined in Central Prison, Coimbatore, are hereby directed to be set at liberty forthwith unless their presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
01-06-2026

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

TSG
Note : Issue Today.

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To

1. The Principal Secretary to Government,
   Home, Prohibition and Excise Department,
   Government of Tamil Nadu,
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   Chennai - 600 009.

2. The District Magistrate and District Collector,
   Erode District,
   Erode.

3. The Superintendent of Police,
   Erode District.

4. The Superintendent of Prison,
   Central Prison,
   Coimbatore.

5. The Inspector of Police,
   Sivagiri Police Station,
   Erode District.

6. The Joint Secretary,
   Law and Order Department,
   Secretariat, Chennai.

7. The Public Prosecutor
   High Court of Madras.

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

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