



WEB COPY

HCP No. 643 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 643 of 2026

Kanniyathal
W/o. Mathivanan,
MGR Nagar, 4th Ward,
Hospital Medu, Kaniyur,
Tiruppur - 642 203..
(Mother of the Detenu)

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its, Additional Chief Secretary to
Government,
Prohibition and Excise Department (Home),
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur District,
Tiruppur.
3. The Superintendent of Police,
Tiruppur District,
Tiruppur.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Inspector of Police,
Kaniyur Police Staton,
Tiruppur.

..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 records pertaining to the impugned order of detention dated 27.12.2025 in Cr.M.P.No.95/Goonda/2025 passed by the 2nd respondent and quash the same as illegal and consequently issue direction to produce the son of the petitioner namely Sivaprakash S/o. Mathivanan, aged about 27 years presently confined at Central Prison, Coimbatore before this Honble Court and set him at Liberty.

For Petitioner(s): Mr.M.Gopi

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.95/Goonda/2025 dated on 27.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (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 detenue being enlarged on bail while passing the impugned order of detention.

4. The learned counsel for the petitioner submitted that the detenue 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 21.10.2019 in CrI.MP No.4111 of 2019 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.MP No.4111 of 2019, which is enclosed at Page No.293 of Volume I 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 detenue 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.95/Goonda/2025 dated



27.12.2025 is hereby set aside. The detenu Sivaprakash, S/o. Mathivanan aged about 27 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
14-08-2026

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

SSI

To:

1. The State of Tamil Nadu
Rep.by its, Additional Chief Secretary to Government,
Prohibition and Excise Department (Home),
Secretariat, Fort St.George,
Chennai - 600 009.

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

3. The Superintendent of Police,
Tiruppur District,
Tiruppur.



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

5. The Inspector of Police,
Kaniyur Police Staton,
Tiruppur.

6. The Public Prosecutor,
High Court of Madras.



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

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