



WEB COPY

HCP No. 1193 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. 1193 of 2026

A.Aswathy
W/o Aanandhakumar,
D.No.11/40, School Street,
Vazhukkal, Kumittipathy Post,
Coimbatore.

..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Rep. By its Additional Chief Secretary to the
Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600009.

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

3. The Commissioner of Police (COP)
Coimbatore District,
Coimbatore.

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

5. The Inspector Of Police
Kinathukkadavu Police Station,
Coimbatore.

..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 proceedings of the 2nd respondent made in Cr.MP.No.58/D.O/2025 of 2025 dated 12.12.2025 and subsequently quash the same as devoid of merits and consequently direct the detinue Aanandhakumar S/o Balasubramani, aged about 27 years, residing at D.No.5/148B, Pattamparai, Pichanur Post, Madukkarai Taluk, Coimbatore and now detained at Central Prison, Coimbatore as a Goonda to be at liberty.

For Petitioner(s): Mr.B.Sargunam

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 bearing Cr.MP.No.58/D.O/2025 of 2025 dated 12.12.2025 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 18.12.2024 in C.M.P.No.3890 of 2024, wherein statutory bail was granted to the accused therein.

5. In this regard, the learned counsel drew the attention of this Court to the order in C.M.P.No.3890 of 2024, which is enclosed at Page No.54 of Volume II of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail granted to the accused therein. 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.MP.No.58/D.O/2025 of 2025 dated 12.12.2025 is hereby set aside. The detenu, viz., Aanandhakumar, S/o Balasubramani, Male, aged 27 years, 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.)
14-08-2026

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

SSI

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



To:

1. The Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600009.
2. The District Collector and District Magistrate
Coimbatore.
3. The Commissioner of Police
Coimbatore.
4. The Inspector Of Police
Kinathukkadavu Police Station,
Coimbatore.
5. The Inspector of Police,
Kinathukkadavu Police Station,
Coimbatore District.
6. The Public Prosecutor,
High Court of Madras.



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

SSI

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