



WEB COPY

HCP No. 1388 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. 1388 of 2026

Josphine Flora, W/o.Justin Thiraviyam,
No.32, Abirami Nagar,
Vinayagapuram, Saravanampatti,
Coimbatore District.

..Petitioner(s)

Vs

1. The Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate
Coimbatore, Coimbatore District.
3. The Superintendent of Police
Coimbatore, Coimbatore District.
4. The Superintendent of Prison
District Prison, Tiruppur 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 order in the nature of Writ call of the records in connection with the order of Detention passed by the 2nd Respondent dated 28.10.2025 in Cr.M.P.No.46/D.O./2025 against the petitioners son Jerman Rakesh, 24 years, S/o.Justin Thiraviyam who is confined at District Prison, Tiruppur District and Set aside the same and consequently direct the Respondents to produce the detenu before the this Court and set him at liberty.



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For Petitioner(s):

Mr. A.Saranraj

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.46/D.O.2025, dated 28.10.2025 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 petitioner submitted that the petitioner had already filed bail application in CMP No.2243 of 2025 and the same is pending before the Additional District Judge, Special Court for Essential Commodities Act, Coimbatore. He further submitted, the Detaining authority, in the detention order, while referring to a similar case in CMP No.3460 of 2024, dated 06.11.2024, wherein, bail was granted to the accused concerned, had stated that there is a likelihood of the accused also filing a bail application in respect of



Crime No.321 of 2025 and being released on bail, as bail had been granted by the appropriate court in similar cases.

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4. Mr.M.Mohamed Riyaz, learned Government Advocate, has not denied the above facts.

5. We are of the view that as pointed by the learned counsel for the petitioner, when the bail application filed by the detenu is already pending, the Detaining Authority arriving at the subjective satisfaction that there is a likelihood of filing bail application shows clear non- application of mind.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 28.10.2025 in Cr.M.P.No.46/D.O./2025 is hereby set aside. The detenu viz.,Jerman Rakesh, aged 24 years, S/o Justin Thiraviyam, 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.)
13-08-2026

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

MST



1. The Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate
Coimbatore, Coimbatore District.
3. The Superintendent of Police
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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

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