



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2720 of 2025

Syed Kathar
S/o Syed Kappar,
Main Road,
Sangilikuppam Village,
Melmalaiyanur Taluk,
Viluppuram District.
(Now confined at Central Prison, Cuddalore.)

..Petitioner(s)

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate of
Viluppuram District, Viluppuram.
3. The Superintendent of Police
Viluppuram District, Viluppuram.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police
Melmalaiyanur Police Station,
Viluppuram District.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India to issued a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ call for the records in Connection with the order of Detention



passed by the second respondent dated 24.09.2025 in Rc.No.C2/44/2025 petitioner/detenu Syed Kathar, male aged 25 years S/o Syed Kappar, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu before the Honourable Court and set him at liberty.

For Petitioner(s): Mr.P.Raman

For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(criminal Side)

Order

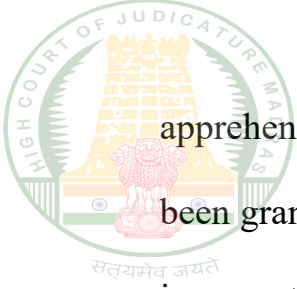
(Order of the Court was made by Dr.Anita Sumanth J.)

The detenu viz., Syed Kathar, S/o.Syed Kappar, male, aged 25 years, who has been branded as Sexual Offender under Section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (Act), has filed this habeas corpus petition.

2. We have heard Mr.P.Raman, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.

3. Several grounds have been raised on behalf of the petitioner and we find that this HCP is to be allowed on the following ground.

4. The subjective satisfaction of the detaining authority is really no subjective satisfaction at all. Admittedly, no bail application has been filed by the detenu at the time of passing of the detention order. However, the



WEB COPY

apprehension of the detaining authority is that in similar applications, bail has been granted by the Court and hence the detenu may be enlarged on bail. There is no material evidence to arrive at such a subjective satisfaction and not even a credible statement recorded from the relatives of the detenu. In fact the events have unfolded to the contrary, in that the detenu's family has moved a bail petition subsequent to the passing of the detention order in CrI.M.P.No.2132 of 2026 before the Mahila court, Villupuram that has been dismissed on 23.06.2026. Thus, even on the merits of the matter, the apprehension of the detaining authority, and his subjective satisfaction stand proved to be erroneous as for the grant of bail is concerned.

5. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Rc.No.C2/44/2025, dated 24.09.2025 is set aside.

6. The detenu, viz., Syed Kathar, S/o. Syed Kappar, aged 25 years, now confined in Central Prison, Cuddalore, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
23-07-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

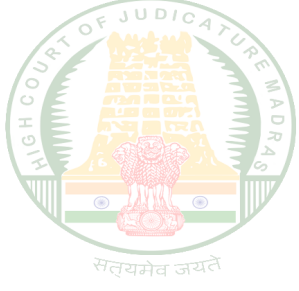
Note to Registry: Issue Today



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate of
Vilupuram District, Viluppuram.
3. The Superintendent of Police
Vilupuram District, Viluppuram.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police
Melmalaiyanur Police Station,
Villupuram District.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.

WEB COPY



WEB COPY



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

HCP No. 2720 of 2025

23-07-2026