



H.C.P.(MD) No.602 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE B.MURUGESAN

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... Petitioner

-VS-

1.The State of Tamil Nadu
rep.by Principal Secretary to Government
Home, Prohibition and Exercise (XVI) Department
Fort St.George, Chennai-600 009

2.The Commissioner of Police
Madurai City, Madurai

3.The Superintendent
Central Prison, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records in detention order in 37/BBCDEFGISSV/2025, dated 26.08.2025, on the file of the second respondent and quash the same and direct the respondents herein to produce the body of the petitioner's brother, namely, Saravanan, son of Annamalai, aged about 32 years, now confined in Central Prison, Madurai, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of Tamil Nadu (Crl.Side)

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner is the brother of the detenu viz., Saravanan, son of Annamalai, aged about 32 years,. The detenu has been detained by the second respondent by his order No.37/BBCDEFGISSV/2025, dated 26.08.2025 holding him to be a "Cyber Law Offender", as contemplated under Section 2(bb) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner would submit that the petitioner is said to have been involved in three adverse cases and one ground case. Though the petitioner was granted bail in the first adverse case and in the ground case, he has not moved any bail application for the second and third adverse cases. Further, there is no material to show that the petitioner was taking steps to file bail application in the second and third adverse cases. In such circumstances, the subjective satisfaction arrived at



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by the Detaining Authority that the detenu is likely to be released on bail without any supporting material is a mere *ipse dixit*. Hence, the impugned detention order is liable to be set aside.

3. Learned counsel for State of Tamil Nadu (Criminal Side) appearing for the respondents would submit that the petitioner was granted bail in the first adverse case and in the ground cases, which are similar to the second and third adverse cases and thereby, the Detaining Authority has rightly arrived at the subjective satisfaction that there is every likelihood of grant of bail to the detenu in the second and third adverse cases.

4. Heard the learned counsel for the petitioner and the learned counsel for State of Tamil Nadu (Criminal Side) appearing for the respondents and perused the materials available on record.

5. The fact remains that the detenu has been granted bail in the first adverse case and in the ground cases. He has not moved any bail application in the second and third adverse cases. Further, there is also no material to show that the detenu is taking steps for bail in the second and third adverse cases. While such being the situation, the subjective



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satisfaction arrived at by the Detaining Authority that there is every likelihood for grant of bail to the detenu in the second and third adverse cases is a mere *ipse dixit*. Therefore, the impugned detention order is liable to be quashed. Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in ***Alagu vs The State of Tamil Nadu*** reported in **2026 SCC OnLine SC 976 : (2026) SCC 976**. Therefore, we are inclined to interfere with the impugned order.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention No.37/BBCDEFGISSV/2025, dated 26.08.2025, passed by the second respondent is set aside. The detenu, viz., Saravanan, son of Annamalai, aged about 32 years, now confined in Central Prison, Madurai, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [B.M., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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