



WEB COPY



HCP No. 129 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 129 of 2026

Mariyappan

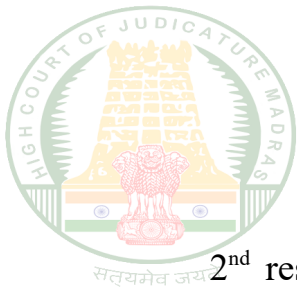
..Petitioner(s)

Vs

1. The State of Tamil Nadu,
The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai – 600 009.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Prison,
Central Prison, Salem District.
4. The Inspector of Police
Sooramangalam Police Station,
Salem City.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records pertaining to the order of detention passed in his proceedings in C.M.P.No.57/Goonda/Salem City/2025 dated 29.09.2025 passed by the



HCP No. 129 of 2026

2nd respondent and set aside the same and directing the respondents to produce the petitioner's son by name in Prabhu son of Mariappan aged about 32 years before this Court now confined in Central prison, Salem and set him at liberty.

For Petitioner(s):	No appearance
For Respondent(s):	Mr.C.R.Malarvannan, Counsel for Government of Tamil Nadu (Criminal Side)

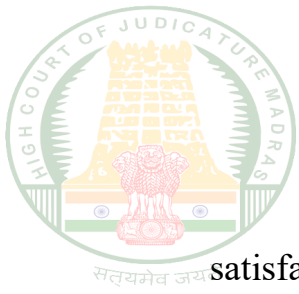
ORDER

(Order of the Court was made by Sunder Mohan J.)

The father of the detenu – Prabhu S/o. Mariappan, aged 32 years, has filed this petition challenging the detention order dated 29.09.2025, branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2.Heard the learned counsel for the petitioner and the learned counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the



HCP No. 129 of 2026

WEB COPY

satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu had not filed any bail application and that his relative is taking steps to take him out on bail.

5. We find from the statement of the relative that it is not signed. We have in HCP No. 1684 of 2025, dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

6. Therefore, the reliance placed on the said statement by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to indulge in further criminal activities after his release on bail is based on the said wrong premise. Hence, the detention order is liable to be quashed.



HCP No. 129 of 2026

WEB COPY

7. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order C.M.P.No.57/Goonda/Salem City/2025, dated 29.09.2025 is set aside.

8. The detenu, viz., Prabhu, S/o. Mariappan, aged about 32 years, now confined in Central Prison, Salem, 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.)
08-06-2026

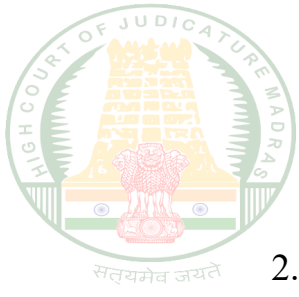
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Issue order copy today.

TSG

To

1. The State of Tamil Nadu,
The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.



WEB COPY



HCP No. 129 of 2026

2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Prison,
Central Prison, Salem District.
4. The Inspector of Police
Sooramangalam Police Station,
Salem City.
5. The Joint Secretary,
Law and Order Department, Secretariat, Chennai
6. The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No. 129 of 2026

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

TSG

HCP No. 129 of 2026

08-06-2026

Page 6 of 6