



WEB COPY



HCP No. 198 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. 198 of 2026

Sundaram

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Magistrate and District Collector,
Namakkal District, Namakkal.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Superintendent of Prison,
Central Prison, Salem,
Salem District.
5. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

..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



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to the order of detention passed in his proceedings in C.M.P.No.84/GOONDA/2025 (M1) dated on 23.09.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner by name Sundaram son of Thirumalai aged about 24 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 detenu - Sundaram, S/o.Thirumalai, aged 24 years, has filed this petition challenging the detention order dated 23.09.2025, branding him as a 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.



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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the sole ground that the 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 has not moved a bail application in the present case, however, he has observed that there is a strong chance of him coming out on bail, by either he himself filing a bail application or through his relatives. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. For the said reason, the detention order is liable to be quashed.



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5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.84/Goonda/2025(M1), dated 23.09.2025, is set aside.

6. The detenu, viz., Sundaram, S/o.Thirumalai, aged 24 years, who is now confined in Central Prison, Salem, is hereby 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 Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Magistrate and District Collector,
Namakkal District, Namakkal.



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



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

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