



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 425 of 2026

Pushpavalli

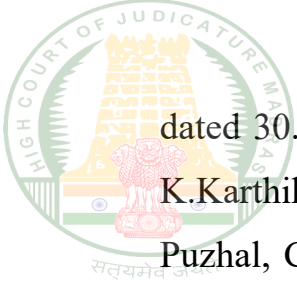
..Petitioner(s)

Vs

1. The Addl. Chief Secretary to the Government of Tamil Nadu,
(Home) Prohibition and Excise Dept.,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
(Goondas Section),
Tambaram City,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal.
Chennai - 600 066.
4. The State rep. by
The Inspector of Police,
Crime, T-15,
Kannagi Nagar Police Station,
Chennai.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the order of the 2nd respondent herein in, Memo No.131/BBCDEFGISSSV/2025



dated 30.09.2025 passed against the petitioner's husband of the detenu namely K.Karthik S/o. Kumar, aged about 25 years, who is confined at Central Prison, Puzhal, Chennai - 600 066 and set aside the same, consequently, directing the respondents herein to produce the body and person of the detenu before this Hon'ble Court and set him at liberty forthwith.

For Petitioner(s):	Ms.R.Saritha
For Respondent(s):	Mr.C.R.Malarvannan, Counsel for Government of Tamil Nadu (Criminal Side)

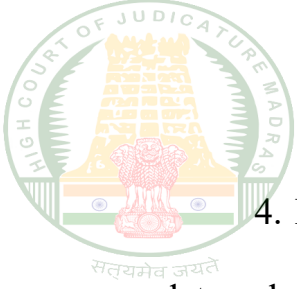
ORDER

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

The mother of detenu - K.Karthik, S/o.Kumar, aged 25 years, has filed this petition challenging the detention order dated 30.09.2025, 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.

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

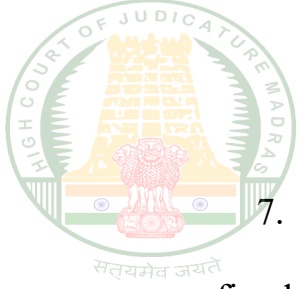


WEB COPY

4. In the grounds of detention, the detaining authority has stated that the detenu has not filed any bail application and his relatives are taking steps to take him out on bail; and that in a similar case, bail was granted by the Judicial Magistrate, Sriperumbudur in CrI.MP.No.23 of 2024 on 02.01.2024.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, it is seen that the Judicial Magistrate had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.131/2025 dated 30.09.2025, is set aside.



WEB COPY

7. The detenu, viz., K.Karthik, S/o.Kumar, aged 25 years, who is now confined in Central Prison, Puzhal, Chennai, 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.)
05-06-2026

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

TSG

Note: Issue order copy today

To

1. The Addl. Chief Secretary to the Government of Tamil Nadu,
(Home) Prohibition and Excise Dept.,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
(Goondas Section),
Tambaram City,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal.
Chennai - 600 066.
4. The State rep. by
The Inspector of Police,
Crime, T-15, Kannagi Nagar Police Station,
Chennai.



WEB COPY

5. The Public Prosecutor,
Madras High Court.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St. George, Chennai – 9.



WEB COPY



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

TSG

HCP No. 425 of 2026

05-06-2026