Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

HCP.No.1156 of 2026

CNR: {HCMA011398752026}

Thalon @ Govindasamy

..Petitioner(s)

Vs.

1. The Secretary to the Government,
   Home, Prohibition & Excise Department,
   Secretariat, Chennai – 600009.

2. The District Collector and District Magistrate of
   Krishnagiri District, Krishnagiri.

3. The Superintendent of Police,
   Krishnagiri District, Krishnagiri.

4. The Superintendent of Prison,
   Central Prison, Salem.

5. The Inspector of Police,
   Krishnagiri PEW Police Station,
   Krishnagiri District.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 10.06.2026 in S.C.No.30 of 2026 against the petitioner's son, namely, Gowtham, Male, aged 24 years, S/o. Thozhan @ Govindasamy, who is confined in the Central Prison, Salem, set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner(s) : Mr.D.Balaji

For Respondent(s) : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the wife of the detenu, viz., Gowtham, son of Thozhan @ Govindasamy, aged about 24 years. The detenu has been detained by the second respondent by his order in S.C.No.30 of 2026, dated 10.06.2026, holding him to be a "Bootlegger" as contemplated under Section 2(b) of the Tamil Nadu Preventive Detention Act,1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner submitted that the detaining authority, while relying on another case stating it to be a similar case, inferred that there is a real possibility of the detenu coming out on bail. He further submitted that the order relied upon by the detaining authority is the order dated 12.03.2026 passed in Crl.M.P.No.827 of 2026 in respect of Crime No.44 of 2026, by the learned Principal Sessions Judge, Krishnagiri. In that case, the accused therein was granted bail since he has got no previous case, whereas, the case of the detenu herein is concerned, he has three previous cases. Therefore, it cannot be taken as a similar case. Hence, he prayed to set aside the impugned detention order.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the case relied upon by the detaining authority to infer that there is a real possibility of the detenu in coming out on bail, is not similar to the case of the detenu herein. Therefore, the subjective satisfaction arrived at by the detaining authority is a mere *ipse dixit.* 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***. Therefore, we are inclined to interfere with the impugned order.

5. In the result, this Habeas Corpus Petition stands **allowed** and the order of detention in S.C.No.30 of 2026, dated 10.06.2026, passed by the second respondent, is set aside. The detenu, viz., Gowtham, son of Thozhan @ Govindasamy, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(A.D.J.C., J.) (B.K., J.)
30.10.2026

skt

Neutral Citation: Yes/No

https://www.mhc.tn.gov.in/judis

WEB COPY

To:

1. The Secretary to the Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai – 600009.

2. The District Collector and District Magistrate of Krishnagiri District,
Krishnagiri.

3. The Superintendent of Police,
Krishnagiri District, Krishnagiri.

4. The Superintendent of Prison,
Central Prison, Salem.

5. The Inspector of Police,
Krishnagiri PEW Police Station,
Krishnagiri District.

6. The Public Prosecutor,
Madras High Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

skt

HCP.No.1156 of 2026

30.10.2026

https://www.mhc.tn.gov.in/judis