Order QR

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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.1440 of 2026

CNR: {HCMA011752692026}

Radha

..Petitioner(s)

Vs.

1. State of Tamil Nadu rep. by,
   The Secretary to Government, (Home),
   Prohibition & Excise Department,
   Fort St. George, Chennai – 600 009.

2. The Commissioner of Police,
   Salem City, Salem.

3. The Superintendent of Prison,
   Central Prison, Salem,
   Salem District.

4. The Inspector of Police,
   Kannankuruchi Police Station,
   Salem 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 pertaining to the order of detention dated 06.07.2026 passed by the 2nd respondent in his proceedings bearing C.M.P.No.82/Goonda/Salem City/2026, set aside the same and to consequently, direct the respondents to produce the petitioner's son by name, Naveenkumar, S/o. Madheswaran, aged about 28 years, before this Court, now confined in the Central Prison, Salem and set him at liberty.

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For Petitioner(s) : Mr.C.Deepakkumar

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

ORDER

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

The petitioner is the mother of the detenu, viz., Naveenkumar, son of Madheswaran, aged about 28 years. The detenu has been detained by the second respondent by his order in C.M.P.No.82/Goonda/Salem City/2026, dated 06.07.2026, holding him to be a "Goonda" as contemplated under Section 2(f) 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 28.10.2025 passed in C.M.P.No.2021 of 2025 in respect of Crime No.321 of 2025 by the learned Judicial Magistrate No.V, Salem. In that case, the accused was only granted statutory bail since he had been in judicial custody for 101 days and that the investigation has not been completed. Hence, it cannot be considered to be a similar case.

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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 C.M.P.No.82/Goonda/Salem City/2026, dated 06.07.2026, passed by the second respondent, is set aside. The detenu, viz., Naveenkumar, son of Madheswaran, aged about 28 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

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To:

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2. The Commissioner of Police,
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3. The Superintendent of Prison,
Central Prison, Salem,
Salem District.

4. The Inspector of Police,
Kannankuruchi Police Station,
Salem District.

5. The Public Prosecutor,
Madras High Court.

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

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