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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

Case QR

HCP.No.1981 of 2026

CNR: {HCMA011907932026}

Saranya

..Petitioner(s)

Vs

1. The Secretary to the Government,
   Home, Prohibition & Excise Department,
   Secretariat, Chennai – 600 009.

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

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

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

5. The Inspector of Police.
   All Women Police Station,
   Cheyyar, Tiruvannamalai District.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, to call for the records in connection with the order of Detention passed by the second respondent dated 04.06.2026 in D.O.No.23/2026-C2 against the petitioner's husband, namely, Boopathi @ Sham, Male, aged 21 years, S/o. Venkatesan, who is confined in

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the Central Prison, Vellore, set aside the same and to consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

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., Boopathi @ Sham, son of Venkadesan, aged about 21 years. The detenu has been detained by the second respondent by his order in D.O.No.23/2026-C2, dated 04.06.2026, holding him to be a "Sexual Offender" as contemplated under Section 2(ggg) 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 20.12.2024 passed in Crl.O.P.No.31747 of 2024 in respect of Crime No.17 of 2024 by this Court. In that case, the accused was granted bail on the grounds that investigation had been completed, the final report had been filed and also taking into consideration the relationship between the parties. However, insofar

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as the ground case is concerned, the bail application of the detenu herein was dismissed on the ground that investigation is pending. Hence, it cannot be considered to be a similar case. Therefore, the subjective satisfaction recorded by the authority without disclosing the facts of the other case and without any supporting material, is a mere *ipse dixit*. Hence, he prays for setting aside the impugned detention order.

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 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.

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5. In the result, this Habeas Corpus Petition stands **allowed** and the order of detention in D.O.No.23/2026-C2, dated 04.06.2026, passed by the second respondent, is set aside. The detenu, viz., Boopathi @ Sham, son of Venkadesan, aged about 21 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.)
04.11.2026

skt

Neutral Citation: Yes/No

To:

1. The Secretary to the Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai – 600 009.

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

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

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

5. The Inspector of Police.
All Women Police Station,
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6. The Public Prosecutor,
Madras High Court.

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

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