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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.1587 of 2026

*CNR: {HCMA011987172026}*

Sundari

..Petitioner(s)

Vs.

1. State rep. by the Secretary to Government,
   Home, Prohibition & Excise Department,
   Secretariat, Chennai – 9.

2. The District Collector and District Magistrate,
   Cuddalore District, Cuddalore.

3. The Superintendent of Police,
   Cuddalore.

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

5. The Inspector of Police,
   All Women Police Station,
   Cuddalore, Cuddalore 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 entire records relating to the detention order dated 17.06.2026 in C3/D.O./21/2026 passed by the 2nd respondent herein, quash the same and to consequently, direct the respondents to produce the body of the detenu, Thiru.Vicky @ Vignesh, male, age 32 years, son of Mani, who has been detained in the Central Prison, Cuddalore, before this Court and set the petitioner's son at liberty.


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For Petitioner(s) : Mr.S.C.Vishwanth

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., Vicky @ Vignesh, son of Mani, aged about 32 years. The detenu has been detained by the second respondent by his order in C3/D.O./21/2026, dated 17.06.2026, 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 19.06.2019 passed in Crl.M.P.No.722 of 2019 in respect of Crime No.6 of 2019 by the learned Sessions Judge, Mahila Court, Cuddalore. In that case, the accused was only granted statutory bail since he had been in judicial custody for the past 90 days and that the final report was not filed. Hence, it cannot be considered a similar case. He also submitted that the detenu had not filed any


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application for bail. 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. Further, when no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. 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 C3/D.O./21/2026, dated 17.06.2026, passed by the second respondent, is set aside. The detenu, viz., Vicky @ Vignesh, son of Mani, aged about 32 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 Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai – 9.

2. The District Collector and District Magistrate,
Cuddalore District, Cuddalore.

3. The Superintendent of Police,
Cuddalore.

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

5. The Inspector of Police,
All Women Police Station,
Cuddalore, Cuddalore District.

6. The Public Prosecutor,
Madras High Court.


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

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