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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1759 of 2026

CNR: {HCMA012131022026}

Hemalatha ..Petitioner(s)

Vs

1. The State Rep by,
   The Secretary to Government
   Home, Prohibition and Exercise Department,
   Fort, St.George, Chennai.

2. The Commissioner of Police,
   Chennai.

3. The Superintendent of Prison,
   Central Prison,
   Puzhal, Chennai.

4. The Inspector of Police,
   K-11, C.M.B.T. Police Station,
   Chennai. ..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus or any other appropriate writ or order in the nature of Writ call for records in connection with the order of detention passed by the 2nd respondent made in his order No.342/BBCDEFGISSSV/2026 dated 20.07.2026 against the petitioner's brother Mari @ Marimuthu S/o.Settu

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aged about 23 years who is confined at the Central Prison, Puzhal, Chennai Under Tamil Nadu Act 14 of 1982 as GOONDA, to quash the same and direct the respondents to produce the detenu Mari @ Marimuthu S/o.Settu aged about 23 years before this Court and set him at liberty.

For Petitioner(s): Mr. P.Thinesh

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

ORDER

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

The petitioner is the brother of the detenu, viz., Mari @ Marimuthu, son of Settu, aged about 23 years. The detenu has been detained by the second respondent by his order in No.342/BBCDEFGISSSV/2026, dated 20.07.2026, holding her to be a "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Preventive Detention Act,1982 (TN 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 similar order relied upon by the detaining authority was the order passed by the learned Principal Sessions Judge, Chennai, in

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Crl.M.P.No.26094 of 2024, dated 19.09.2024. In that case, the learned Sessions Judge, considering the fact that the victim therein had been discharged from the hospital, has granted bail to the accused therein. However, as far as the case of the detenu is concerned, the victim is still undergoing treatment in hospital and consequently, there is no possibility of the detenu coming out on bail. Therefore, the order dated 19.09.2024 passed in Crl.M.P.No.26094 of 2024 cannot be taken as a similar case. Hence, he prayed to set 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 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 is allowed and the order of detention in No.342/BBCDEFGISSSV/2026, dated 20.07.2026, passed by the second respondent, is set aside. The detenu, viz., Mari @ Marimuthu, son of Settu, aged about 23 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.)
29-10-2026

Neutral Citation: Yes/No

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To

1. The Secretary to Government
Home, Prohibition and Exercise Department,
Fort, St.George, Chennai.

2. The Commissioner of Police,
Chennai.

3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

4. The Inspector of Police,
K-11, C.M.B.T. Police Station,
Chennai.

5. The Public Prosecutor,
High Court of Madras.

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AND
B.KARTHIKEYAN, J.

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