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.1741 of 2026

CNR: {HCMA012153662026}

Santhi

..Petitioner(s)

Vs.

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

2. The Commissioner of Police,
   Tambaram City.

3. The Superintendent of Prison
   Central Prison,
   Puzhal, Chennai – 600 066.

..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 relating to the detention order passed by the 2nd respondent in No.67/BBCDEFGISSSV/2026 dated 23.07.2026 against the petitioner's son, namely, P.Akash, S/o. Panneerselvam, male, aged 21 years, the detenu herein, now confined in the Central Prison, Puzhal, Chennai, set aside the detention order and to consequently, direct the respondent to produce and physically bring the body of the detenu before this Court and set him at liberty.

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For Petitioner(s) : Mr.T.I.Ramanathan

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., P.Akash, son of Panneerselvam, aged about 21 years. The detenu has been detained by the second respondent by his order in No.67/BBCDEFGISSSV/2026, dated 23.07.2026, 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 13.09.2021 passed in Crl.M.P.No.1805 of 2021 in respect of Crime No.424 of 2021 by the learned Judicial Magistrate No.II, Tambaram. In that case, the FIR was registered for the offence under Section 394 of the IPC. However, insofar as the ground case registered in Crime No.361 of 2026 is concerned, though the same was initially registered for the offences under Section 309(6) of the BNS, the same was subsequently altered to Section 309(6) of the BNS and Section 25(1)(a) of the Arms Act, 1959. 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 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 No.67/BBCDEFGISSSV/2026, dated 23.07.2026, passed by the second respondent, is set aside. The detenu, viz., P.Akash, son of Panneerselvam, 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.)
30.10.2026

skt

Neutral Citation: Yes/No

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

skt

To:

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai – 600 009.

2. The Commissioner of Police,
Tambaram City.

3. The Superintendent of Prison
Central Prison,
Puzhal, Chennai – 600 066.

4. The Public Prosecutor,
Madras High Court.

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