



H.C.P.No.1834 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 02.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1834 of 2025

Latha, F/A 54 Years,
W/o. Selvaraj
No.82, Mullai Nagar,
10th Street, Vyasarpadi,
Chennai – 600 039.

.. Petitioner

VS

1.The Secretary to Government,
Govt. of Tamil Nadu,
(Home), Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

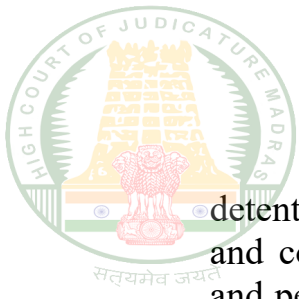
2.The Commissioner of Police,
Greater Chennai, Chennai.

3.The Inspector of Police,
C1 – Flower Bazaar Police Station,
Chennai.

4.The Superintendent,
Central Prison, Puzhal,
Chennai.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the entire records connected with the order of the 2nd respondent herein concerned in No.542/BBCDEFGISSSV/2025, dated 7.8.2025 and quash the order of



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detention passed therein by the 2nd respondent herein against the detenu and consequently directing the respondents herein to produce the body and person of the detenu by name Manikandan, aged about 30 years, son of Selvaraj, now detained in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.S.Raja Kumar
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

(Made by Dr. ANITA SUMANTH, J.)

This petition is filed by the mother of Manikandan (detenu), S/o Selvaraj, who has been branded as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act) and confined in Central Prison, Puzhal, Chennai.

2.The detenu had suffered an order of detention dated 07.08.2025, prior to which, he had been arrested on 30.07.2025.

3.We have heard Mr.R.C.Paul Kanagaraj, learned counsel appearing for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor assisted by Mr.Sylvester John, appearing for the respondents.

4.The case of the petitioner rests on two primary grounds. Firstly, that the satisfaction accorded by the officer comparing the case of the



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detenu with that of the accused in CrI.M.P.No.387 of 2025 dated 09.01.2025 is incorrect, as the facts are incomparable, and secondly that the apprehension of the detaining authority that the detenu will be enlarged on bail has no valid basis.

5.On the first point, learned counsel for the petitioner has drawn our attention to the order passed by the Principal Sessions Judge, Chennai on 09.01.2025 in CrI.M.P.No.387 of 2025. We see that that order has been passed in the case of a student of physiotherapy in Dr.M.G.R. Education and Research Institute, Maduravoyal, Chennai.

6.Such mitigating circumstances are not available in the present case. Hence, that consideration would not arise in the case of the detenu who has, incidentally applied for bail, that has been rejected. There is no other application for bail filed by him. In these circumstances, reliance on order passed on 09.01.2025 in CrI.M.P.No.387 of 2025 is found to be vitiated.

7.Secondly, the subjective satisfaction of the authority that the detenu may be enlarged on bail is also vitiated for the reason that it is based on a statement stated to have been recorded from the sister of the detenu, placed at page No.77 of the booklet. That statement is signed and we hence, do not ascribe any credence to the same. We have, in other cases, taken the view, that, if at all the subjective satisfaction of the



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authority that the detenu may be enlarged on bail is to hinge on a statement of the relative, such statement would have necessarily to be signed by that relative.

8. In light of the discussion as aforesaid, we find that the subjective satisfaction of the authority is vitiated and hence the order of detention is set aside. This Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.542/BBCDEFGISSSV/2025, dated 07.08.2025 is set aside.

9. The detenu, viz., Manikandan, S/o. Selvaraj, aged 30 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
02.04.2026

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
vs
Note : Issue Today

To

1. The Secretary to Government,
Govt. of Tamil Nadu,
(Home), Prohibition and Excise Department,
Fort St. George, Chennai-600 009.



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2. The Commissioner of Police,
Greater Chennai, Chennai.

3. The Inspector of Police,
C1 – Flower Bazaar Police Station,
Chennai.

4. The Superintendent,
Central Prison, Puzhal,
Chennai.

5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

6. The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

vs

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Dr. ANITA SUMANTH, J.
and
SUNDER MOHAN, J.

(Order of the Court was made by
Dr. ANITA SUMANTH, J.)

This matter is listed under the caption 'for being mentioned', as there is a typographical error in order dated 02.04.2026.

2. In paragraph 7 of order the sentence '*That statement is signed and we hence, do not ascribe any credence to the same*' shall read as

"That statement is unsigned and we hence, do not ascribe any credence to the same".

3. Barring the aforesaid change, order dated 02.04.2026 remains unaltered.

[A.S.M, J.] [S.M, J.]
08.04.2026

sl

Note: Registry is directed to issue a fresh copy of the order after incorporation the aforesaid change.