



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1987 of 2025

Balkeesh

W/o.Ushman @ Nazreen,

No.7/37, KKC Street,

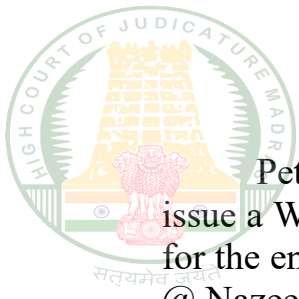
Chidambaram, Cuddalore District.

..Petitioner(s)

Vs

1. The State Of Tamilnadu Rep By Its, The
Secretary To Government,
Home Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The District Collector And District Magistrate,
Cuddalore District,
Cuddalore.
3. The Superintendent Of Police,
Cuddalore District,
Cuddalore.
4. The Superintendent,
Central Prison,
Cuddalore,
Cuddalore District,
5. The Inspector Of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District.

..Respondent(s)



Petition filed under Article 226 of the Constitution of India praying to issue a Writ of order or direction in the nature of Writ of Habeas Corpus calling for the entire records leading to the detention of the detenu namely Shammu Bai @ Nazeer, S/o.Umar aged about 56 years vide detention order dated 18.09.2025 on the file of the 2nd respondent herein made in the proceedings in detention order No.C3/D.O/103/2025 and quash the same and consequently direct the respondents herein to produce the body of the detenu at liberty from Central Prison, Cuddalore.

For Petitioner(s): Mr.R.Thamarai Selvan

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor
Assisted By Mr. M. Sylvester John

ORDER

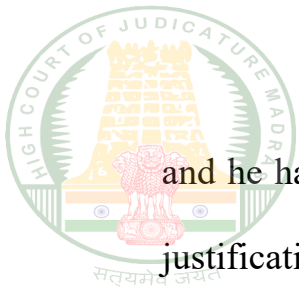
(Made by Dr.Anita Sumanth J.)

Shammu Bai @ Nazeer, S/o. Umar, has been detained as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) and detained at Central Prison, Cuddalore. His daughter has approached this Court challenging the detention order 18.09.2025.

2. Learned counsel for petitioner would point to various fallacies in the impugned order of detention. Primarily, he would argue that the subjective satisfaction of the detaining authority that he would be released on bail is incorrect as there is no material to indicate that he would approach the Court yet again for bail as his first bail petition has been rejected.

3. Mr.Muniyapparaj, learned Additional Public Prosecutor, defends the impugned order of detention.

4. The detenu has moved the bail application which has been dismissed



and he has not thereafter approached the Court seeking bail. Hence we find no justification in the apprehension of the detaining authority that he would be enlarged on bail.

5. That apart, the comparative cases cited by the detaining authority to support his subjective satisfaction supra is in the case of the accused in Cr.MP No. 924/2020. In that case, the Judicial Magistrate I, Vridhachalam granted bail during the covid – 19 pandemic to avoid over crowding in the jail. That situation is hardly comparable to the present case and such circumstances do not arise now. Hence we agree with the petitioner that the subjective satisfaction of the detaining authority has no basis whatsoever and this, indicating the non-application of mind, vitiates the order of detention which we set aside.

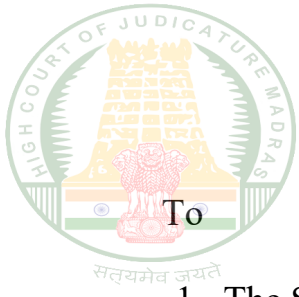
6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O.103/2025 dated 18.09.2025 is set aside.

7. The detenu, viz., Shammu Bai @ Nazeer, S/o. Umar, aged 56 years, now confined in Central Prison, Cuddalore, 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.)
29-04-2026

Speaking order
Neutral Citation: Yes
SSM

Note to Registry : Issue Today



1. The Secretary To Government,
Home Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The District Collector And District Magistrate,
Cuddalore District,
Cuddalore.
3. The Superintendent Of Police,
Cuddalore District,
Cuddalore.
4. The Superintendent,
Central Prison,
Cuddalore,
Cuddalore District,
5. The Inspector Of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

ssm

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