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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2241 of 2025

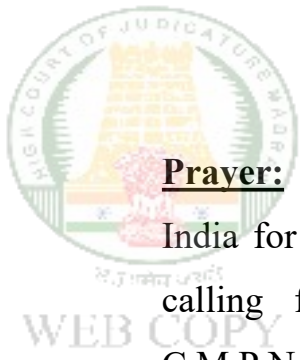
Sridevi
W/o.Srinivasan
No.2/19, Paraiyakadu,
Munjanur,
Tiruchengode, Namakkal District-637 403

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009
2. The District Magistrate and District collector
O/o.The District Magistrate and District
Collector,
Namakkal District.
3. The Superintendent of Police
O/o. The Superintendent of Police,
Namakkal District.
4. The Inspector of Police
Elachipalayam Police Station,
Namakkal District.
5. The Superintendent of Prison
Central Prison,
Salem.

..Respondent(s)



Prayer: Habeas Corpus petition filed under article 226 of Constitution of India for issuance of a writ of Habeas Corpus or any other writ of Direction calling for the entire records connected with the detention order in C.M.P.No.72/GOONDA/2025/(M1) dated 26.08.2025 on the file of the respondent No.2 and quash the same as illegal and direct the respondent to produce the petitioner's husband namely Srinivasan, aged about 57 years son of Palanisamy now confined at Central Prison, Salem before this Hon'ble Court and set him at liberty forthwith.

For Petitioner(s): Mr.U.Kathiravan

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

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The challenge is to order of detention dated 26.08.2025 under which Srinivasan, S/o.Palanisamy has been branded as Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act'). The petitioner/wife of the detenu has approached this Court seeking quash of the order.

2.Mr.U.Kathiravan, learned counsel appears for the petitioner, and states that there is no basis for the apprehension of the detaining authority that the detenu would be enlarged on bail. In fact, he had filed a bail application in CrI.M.P.No.330 of 2025 and on 25.08.2025, that petition was dismissed. He has



not approached any Court thereafter seeking bail. The statement of the detaining authority that he would be enlarged on bail is hence baseless.

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3.We have heard Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel for the respondents.

4.On the grounds in which the order of detention was passed is that there are fair chances of the detenu being enlarged on bail as either the detenu or his relatives may move a bail application before the Court. There has to be some basis for the detaining authority to arrive at such a subjective satisfaction.

5.We have specifically put a question to learned Additional Public Prosecutor as to whether any statement has been recorded from the relatives or whether there was any other material to indicate whether a bail application has been moved after the dismissal of the first petition. Admittedly, no bail application has been moved, and there is no statement from any family member to the effect that a bail petition is in the offing. Hence, we find that the subjective satisfaction of the authority stands vitiated, and as a consequence, the very basis of the order of detention, also goes.

6.In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in CMP.No.72/GOONDA/2025/(M1), dated 26.08.2025, is set aside.



7. The detenu, viz., Srinivasan S/o. Palanisamy, aged 57 years, who is now confined in Central Prison, Salen, 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.)

20-04-2026

vs

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009
2. The District Magistrate and District collector
O/o. The District Magistrate and District Collector,
Namakkal District.
3. The Superintendent of Police
O/o. The Superintendent of Police,
Namakkal District.
4. The Inspector of Police
Elachipalayam Police Station,
Namakkal District.
5. The Superintendent of Prison
Central Prison,
Salem.
6. The Public Prosecutor,
High Court of Madras.



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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.

VS

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