



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2289 of 2025

Santhiya
W/o.Kathirvel,
No. 127, Puthiya Sunnambukara Salai,
Salem District.

..Petitioner(s)

Vs

1. The State of Tamilnadu
Rep. by its Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police
Salem City,
Salem.
3. The Superintendent of Prison
Central Prison,
Salem District.
4. The Inspector of Police
Kitchipalayam Police Station,
Salem District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the records pertaining to order of detention passed in C.M.P.No. 37/Goonda/Salem City/2023 dated on 09.08.2025 passed by the 2nd respondent and set aside the same and directing



the respondents to produce the petitioners husband by name Kathirvel S/o.Ramesh, aged about 20 years before this Honble Court now confined in Central Prison, Salem and set him at liberty.

HCP No. 2289 of 2025

For Petitioner(s): MS.P.HASNAH

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.)

Kathirvel, S/o. Ramesh, has been branded as a Goonda and detained under Central Prison, Salem under order dated 09.08.2025. His wife has approached this Court seeking his release.

2. Learned counsel appearing for the petitioner assails the order on several grounds and Mr.R.Muniyapparaj, learned Additional Public Prosecutor would defend the detention vehemently.

3.Having heard both learned counsel, we are of the considered view that the petitioner has to succeed. On the grounds on which the detention is ordered is that the detenu may be enlarged on bail and for this purpose the detaining authority has relied on bail granted in Crl.O.P.No.25959 of 2024 on 21.10.2024 by this Court. However, we find that the facts and circumstances under which bail is granted in that case are different. In that, there is a clear finding in para 6



that that accused has no previous case, whereas in the present case, the detenu has 3 adverse cases. Hence, the possibility of detenu being enlarged on bail are different and comparison made by the detaining authority and subjective satisfaction on the ground of which the detention has been ordered stands vitiated.

4. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.37/Goonda/Salem City/2025, dated 09.08.2025, is set aside.

5. The detenu, viz., Kathirvel, S/o. Ramesh, aged 20 years, confined in Central Prison, Salem, 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.)
21-04-2026

vs

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue today.

To

1. The State of Tamilnadu
Rep. by its Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police
Salem City,



Salem.

3. The Superintendent of Prison
Central Prison,
Salem District.

4. The Inspector of Police
Kitchipalayam Police Station,
Salem District.

5. The Public Prosecutor,
High Court, Madras.

6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George,
Chennai - 9

HCP No. 2289 of 2





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HCP No. 2289 of 2



**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

VS

HCP No. 2289 of 2025

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