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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. 2417 of 2025

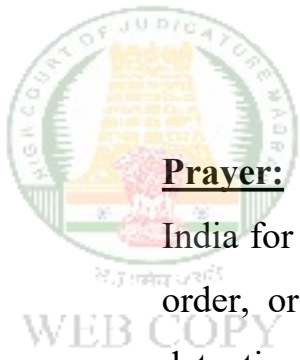
Indhumathi Arul
W/o Arul,
No.128, Jegadevi,
Jegadevi
Jegadevipalayam,
Krishnagiri District.

..Petitioner(s)

Vs

1. State of Tamil Nadu
Represented by its Secretary,
Prohibition and Excise Department,
Fort.St.George,
Chennai – 600009.
2. The District Magistrate and District Collector,
Office of the District Collector,
Krishnagiri District.
3. The Superintendent of Police,
Office of the The Superintendent of Police,
Krishnagiri District.
4. The Superintendent,
Central Prison,
Salem.
5. The Inspector Of Police
Bargur Police Station,
Krishnagiri District.

..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 appropriate Writ, or order, or direction, in the nature of the Writ calling for the records of the detention order in S.C.No.29/2025 dated 30.08.2025 on the file of the second respondent herein and quash the same and direct the respondents herein to produce the body or in person of the Prathap@giri S/o Arul Hindu aged about 25 years who is now confined in central prison Salem, before this Honourable Court and set him at liberty.

For Petitioner(s): Mr. C.Vidhusan

For Ms.Shanmitha .S

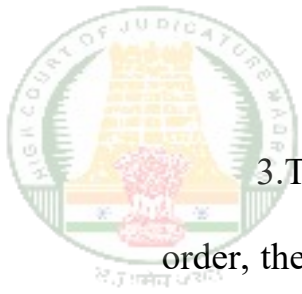
For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

The mother of Prathap @ Giri, S/o Arul, has filed this petition challenging the order of detention dated 30.08.2025 under which said Prathap (detenu) has been detained at Central Prison, Salem. Several grounds are taken before us to assail the aforesaid order, the impugned order of detention.

2.We have heard Mr.Vidhusan C. learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel for the respondents.



3.The ground that appeals to us, is this. In the course of the detention order, the detaining authority expresses his apprehension that the detenu will be released on bail relying on the fact that one Harish Kumar had filed Crl.M.P.No.5241 of 2023, and by an order dated 11.01.2024 had obtained bail before the learned Judicial Magistrate No.II, Hosur. Hence, the authority apprehends that that order would stand as a precedent for the detenu in obtaining bail. We do not agree as the facts and circumstances in the two cases are not comparable. The accused in that case had no adverse cases pending as against him whereas the detenu in the present case has 5 adverse cases against him.

4.That apart, the offence under that case was under Section 392 of IPC relating to robbery whereas in the present case the charges as against the detenu are under Sections 303(2), 311 and 351(3) relating to theft, robbery and criminal intimidation respectively and are hence far graver in nature. The case of the detenu before us is thus is very different from the case of that accused. Hence, the subjective satisfaction on the basis of which the petitioner's son has been detained, is vitiated and the order of detention is liable to be set aside.

5.In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in S.C.No.29/2025, dated 30.08.2025, is set aside.



6. The detenu, viz., Prathap @ Giri S/o. Arul, aged 25 years, who is now 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.)

20-04-2026

vs

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Secretary,
Prohibition and Excise Department,
Fort.St.George,
Chennai – 600009.
2. The District Magistrate and District Collector,
Office of the District Collector,
Krishnagiri District.
3. The Superintendent of Police,
Office of the The Superintendent of Police,
Krishnagiri District.
4. The Superintendent,
Central Prison,
Salem.
5. The Inspector Of Police
Bargur Police Station,
Krishnagiri District.
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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HCP No. 2417 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

VS

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