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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2398 of 2025

Manadei Bagha
W/o.Balaram Bagha,
Correct Village, Gunduchitara,
Ambagam, Boudh,
Odisha State-762 018

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison,
Central prison, Vellore.
4. The Inspector of Police,
R-6 Kumaran Nagar Police Station,
Chennai City.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India to issue a writ of Habeas Corpus or any other writ or order in the nature of detention passed by the second respondent 20.05.2025 in No.268/BCDFGISSSV/2025 against the petitioner's husband Balaram Bagha,



male aged 35 years S/o.Deba Bagha who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty.

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For Petitioner(s): Mr.C.Harish
for Mr.J.Sathishkumar

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 present petition is filed by the wife of one Balaram Bagha, assailing detention order dated 20.05.2025, passed in exercise of powers under Section 3(1) of the Tamilnadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamilnadu Act 14 of 1982) read with necessary Government orders.

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

3. The main ground canvassed by the petitioner is that the impugned order of detention is vitiated by non-application of mind insofar as much stress has been laid on the possibility of the detenu being released on bail. According



to the petitioner, no bail application has been moved either by him or on his behalf, by any one.

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4. A counter has been filed by the State, where also they reiterate, at paragraph 11, the statement of the Sponsoring Authority that the relatives of the detenu are taking steps to take the detenu out on bail. We have posed a query specifically to Mr.Muniyapparaj as to who the relatives are who are stated to have moved the application, whether any bail application has, in fact, been moved and on what basis the said statement has been recorded. We are unable to elicit any basis on which the aforesaid statement has been made, either in the counter or in the detention order.

5. We are, hence, persuaded to accept the argument of the petitioner that the impugned order, that proceeds on the basis that the relatives of the detenu are moving a bail application, is incorrect, and has been stated without any basis whatsoever.

6. In *Rekha Vs. State of Tamil Nadu through Secretary to Government and another* (2011 [5] SCC 244), the Supreme Court has settled the position that an order of detention cannot be sustained on the basis of non-existent information and that the basis of the detention order must be supported by valid and credible information. The relevant paragraphs, being paragraphs 10 and 11, are extracted below:



10. In our opinion, if details are given by the respondent authority about the alleged bail orders in similar cases mentioning the date of the orders, the bail application number, whether the bail order was passed in respect of the co-accused in the same case, and whether the case of the co-accused was on the same footing as the case of the petitioner, then, of course, it could be argued that there is likelihood of the accused being released on bail, because it is the normal practice of most courts that if a co-accused has been granted bail and his case is on the same footing as that of the petitioner, then the petitioner is ordinarily granted bail. However, the respondent authority should have given details about the alleged bail order in similar cases, which has not been done in the present case. A mere ipse dixit statement in the grounds of detention cannot sustain the detention order and has to be ignored.

11. In our opinion, the detention order in question only contains ipse dixit regarding the alleged imminent possibility of the accused coming out on bail and there was no reliable material to this effect. Hence, the detention order in question cannot be sustained.

7. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.268/BCDFGISSSV/2025, dated 20.05.2025 is hereby set aside.

8. The detenu, viz., Balaram Bagha, S/o. Deba Bagha, aged 35 years, who is now confined in Central Prison, Puzhal, Chennai is hereby 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.)
02-03-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note: Registry is directed to issue a copy of this order today.



To

1. The Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central prison, Vellore
4. The Inspector of Police
R-6 Kumaran Nagar Police Station,
Chennai City.
5. The Superintendent of Prison, Central Prison,
Puzhal, Chennai.
6. The Public Prosecutor
High Court of Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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