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HCP No. 2536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2536 of 2025

Bala @ Premkumar

..Petitioner(s)

Vs

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate
Mayiladuthurai District,
Mayiladuthurai.
3. The Superintendent of Police
O/o.Superintendent of Police,
Mayiladuthurai District.
4. The Superintendent of Prison,
Central Prison Cuddalore
Cuddalore District.
5. The Inspector of Police,
Sembanarkovil Police Station,
Mayiladuthurai District.

..Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the detention in C.O.C.No.41/2025 on 12.09.2025 on the file of the Respondent No.2 and quash the same and direct the Respondents to produce petitioner's brother one named Selvakumar (Kavudu) S/o. Sundharajan aged about 26 years now confined at Central Prison, Cuddalore before this Court and set him at liberty forthwith.

For Petitioner(s): No appearance

For Respondent(s): Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The brother of the detenu – Selvakumar (Kavudu), S/o. Sundharajan, aged 26 years, has filed this petition challenging the detention order dated 12.09.2025, branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. The learned counsel for the petitioner would submit that the impugned order of detention is liable to be quashed on the sole ground



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that the detaining authority's satisfaction as regards the real possibility of the detenu coming out on bail, suffers from non-application of mind, as the facts in the order relied upon by him are not similar to the instant case.

3. The learned counsel for Government of Tamil Nadu (Criminal Side) would fairly concede that the facts are not similar.

4. It is seen from paragraph No.3 of the grounds of detention that the detenu has not moved any bail application in the ground case. However, the detaining authority had relied upon an order passed by this Court in CrI.O.P.No.21129 of 2024 dated 30.08.2024, to observe that the detenu is likely to be released on bail. It is seen from that order that the accused therein had no previous case, whereas, there are three adverse cases pending against the detenu. The facts are not similar. Therefore, we are of the view that the reliance placed upon the said order by the detaining authority, to conclude that there is a real possibility of the detenu coming out on bail and that he would indulge in similar activities, suffers from non-application of mind. Hence, the detention order is liable to be quashed.



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5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.41/2025 dated 12.09.2025 is quashed.

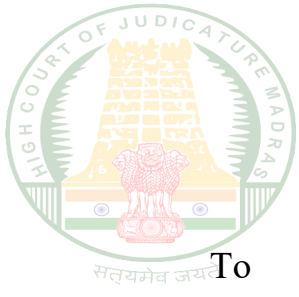
6. The detenu, viz., Selvakumar (Kavudu), S/o. Sundharajan, aged 26 years, who is now confined in Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue Order copy today.

TSG



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To
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Central Prison Cuddalore
Cuddalore District.
5. The Inspector of Police,
Sembanarkovil Police Station,
Mayiladuthurai District.
6. The Joint Secretary,
Law and Order Department, Secretariat,
Chennai.
7. The Public Prosecutor,
High Court, Madras.



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

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