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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-10-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

HCP(MD) No. 998 of 2026

CNR:{HCMD011053592026}

Jothi Basu ..Petitioner(s)

Vs

1. The State of Tamilnadu
   Rep by,
   The Additional Chief Secretary to Government,
   Home, Prohibition and Excise Department,
   Secretariat,
   Chennai - 9.

2. The District Collector and District Magistrate
   O/o.The District Collector and District
   Magistrate,
   Theni District.

3. The Superintendent of Prison
   Madurai Central Prison,
   Madurai District. ..Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, to call for the entire records connected with the detention order of the Respondent No.2 in Detention order No.44/2026 dated 07.07.2026 and quash the same and direct the respondents to produce the body or person of the detenu by name Jothi Basu, son of Ramar, aged about 35 years, now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

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For Petitioner(s) : Mr.Dr.R.Alagumani

For Respondent(s) : Mr.G.Karuppasamy Pandiyan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.GUNASEKARAN, J.)

The petitioner is the detenu aged 35 years. The detenu has been detained by the second respondent by his detention order No.44/2026 dated 07.07.2026, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this Habeas Corpus Petition.

2. The learned counsel for the petitioner would submit that the detenu had filed a bail application before the learned Principal Sessions Judge, Theni, in Crl.M.P.No.1152 of 2026, and the same was dismissed on 01.07.2026. In such circumstances, the detaining authority had observed that the detenu's relatives might file a bail application on his behalf, though there was no supporting material to substantiate such an apprehension. Further, the detaining authority, by relying upon another case and treating it as a similar case, had arrived at the conclusion that there was a real possibility of the detenu being released on bail by filing a bail application before the appropriate Court, since bail had been granted

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by the Courts in similar cases. The subjective satisfaction recorded by the authority without disclosing the facts of the other case and without any supporting material, is a mere *ipse dixit*. Hence, he prays for setting aside the impugned detention order.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. When no bail application is pending, there is no likelihood of the detenu being released on bail. Therefore, the subjective satisfaction arrived at by the detaining authority is *ipse dixit*. Further, the similar case relied on also does not pertain to a co-accused and it pertains to a different crime number registered in the year 2025. Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in ***Alagu vs The State of Tamil Nadu*** reported in ***2026 SCC OnLine SC 976 : (2026) SCC 976.*** Therefore, we are inclined to interfere with the impugned order.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.44/2026 dated 07.07.2026, passed by the second

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respondent is set aside. The detenu namely, Jothi Basu, son of Ramar, aged 35 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

(M.N.K.,J.) (N.G.N.,J.)
29-10-2026

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

To
1. The Additional Chief Secretary to Government
   Home, Prohibition and Excise Department,
   Secretariat
   Chennai - 9

2. The District Collector and District Magistrate
   O/o.The District Collector and District Magistrate
   Theni District

3. The Superintendent of Prison
   Madurai Central Prison
   Madurai District

4. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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