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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. 1138 of 2026

CNR:{HCMD011205402026}

Eben Celina ..Petitioner(s)

Vs

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

2. The District Collector and District Magistrate
   Tirunelveli District.

3. The Superintendent of Prison
   Central Prison,
   Palayamkottai,
   Tirunelveli.

4. The Inspector of Police
   Moondradaipu Police Station,
   Tirunelveli 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 records relating to the detention order passed by the 2nd respondent in Detention order No.M.H.S.Confdl No.71/2026 dated 07.07.2026 and to quash the same and direct the respondents to produce the body or person of the detenue,

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Milton Polack, S/o. Rajasekara Raole, aged about 19 years, before this Court and set him at liberty, now detained under the third respondent prison.

For Petitioner(s) : Mr.V. M.Jegadeesha Pandian

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 mother of the detenu viz., Milton Polack, S/o. Rajasekara Raole, aged 19 years. The detenu has been detained by the second respondent by his Order of Detention in No.M.H.S.Confdl No.71/2026 dated 07.07.2026, holding him to be a "Goonda", as contemplated under Section 2(f) of 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 not filed any application for bail in the ground case. While so, the detaining authority relying on another case stating it to be a similar case, has inferred that there is a real possibility of the detenu coming out on bail. The subjective satisfaction recorded by the authority

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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 such bail application has been filed by the detenu, 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. 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.M.H.S.Confdl No.71/2026 dated 07.07.2026, passed by the second respondent is set aside. The detenu namely, Milton Polack,

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S/o. Rajasekara Raole, aged 19 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,
   Fort St.George
   Chennai - 9

2. The District Collector and District Magistrate
   Tirunelveli District

3. The Superintendent of Prison
   Central Prison
   Palayamkottai
   Tirunelveli

4. The Inspector of Police
   Moondradaipu Police Station
   Tirunelveli District

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

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M.NIRMAL KUMAR, J.
AND
N.GUNASEKARAN, J.
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