



WEB COPY

HCP No. 64 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 64 of 2026

Manimegalai
W/o. Suresh,
No.46, Mettu Street,
Villivakkam, Chennai District.

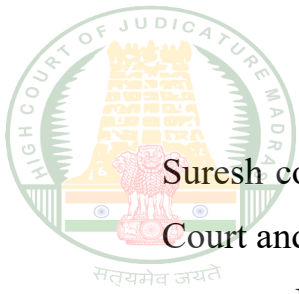
..Petitioner(s)

Vs

1. Government of Tamilnadu rep by its
THE ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner Of Police,
Avadi City.
3. The Superintendent Of Prison,
Central Prison,
Puzhal, Chennai.
4. The Inspector Of Police,
M-8, Sathangadu Police Station,
Thiruvallur District.

..Respondent(s)

Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India to issue a Writ of habeas Corpus or any other appropriate Writ, order or direction in the nature of Writ calling for the records in Detention order passed in No.179/TNPD/APC/2025 dated 06.12.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the Person petitioner's Son Thiru Dinesh @ MandaDinesh aged 22 years, S/o.



Suresh confined in Central Prison, Puzhal, Chennai District before this Honble Court and set him at liberty

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For Petitioner(s):

MR.D.PADMANABHAN

For Respondent(s):

MR.M.MOHAMED RIYAZ
GOVERNMENT ADVOCATE (CRIMINAL
SIDE)

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the 2nd respondent dated 06.12.2025 bearing in No.179 / TNPd/APC/2025 is sought to be quashed by the mother of the mother of detenu.

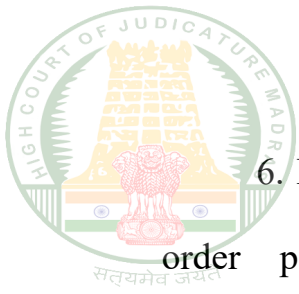
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.



4. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and the detaining authority, while passing the impugned detention order, arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a similar case in Crime No.633 of 2023 registered under Sections 147, 148, 341, 2949b0, 307, 506(ii) IPC r/w 120(B) IPC, wherein, bail was granted by this court by order dated 16.11.2023 in Crl.O.P.No.24833 of 2023 to the accused therein.

5. In this regard, the learned counsel drew the attention this Court to said order in Crl.O.P.No.24833 of 2023, which is enclosed at Page No. 109 of Volume I of the booklet. A careful perusal of the said order, brings to light that the said case is totally different as that of the instant case as there are no previous case against the said accused and the detenu in the instant case has got three previous cases. Therefore, taking the said bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail is clearly vitiated. Therefore, the impugned preventive detention order deserves to be dislodged.



6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 06.12.2025 bearing No.179/TNPD/APC/2025 is hereby set aside. The detenu Dinesh @ Manda Dinesh, male, aged 22 years, S/o Suresh is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
12-08-2026

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

MST

To

1. Government of Tamilnadu rep by its
THE ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT,
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2. The Commissioner Of Police,
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4. The Inspector Of Police,
M-8, Sathangadu Police Station,
Thiruvallur District.
5. The Public prosecutor, Madras High Court.



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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

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