



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13-08-2026**

CORAM

**THE HON'BLE MR JUSTICE N. SATHISH KUMAR**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**HCP No. 67 of 2026**

Vipina .K  
W/o. Musthak Ahmed,

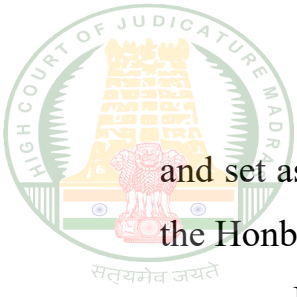
..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,  
Home Prohibition and Excise Department,  
Secretariat,  
Chennai - 600 009.
2. The Commissioner of Police,  
Greater Chennai.
3. The Superintendent of Prison,  
Central Prison,  
Puzhal,  
Chennai - 600 066.
4. The Inspector of Police,  
(Law and Order)  
T5, Vanagaram Police Station,  
Chennai.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of Constitution of India to call for the records in connection with the order of Detention passed by the second Respondent dated 10.12.2025 bearing reference 1030/BBCDEFGISSSV/2025 against the petitioner Musthak Ahmed, male aged 27 years, S/o. Jahir Hussain, who is confined at Central Prison, Puzhal, Chennai



and set aside the same and direct the respondents to produce the detenue before the Honble Court and set him at liberty.

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For Petitioner(s): Mr.S.Sathish Kumar

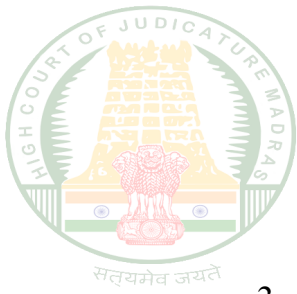
For Respondent(s): Mr.M.Mohamed Riyaz  
Government Advocate (Crl.side)

### **ORDER**

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

The petitioner, who is the wife of the detenu Musthak Ahmed, male aged 27 years, S/o. Jahir Hussain, has come forward with this petition challenging the detention order passed by the second respondent dated 10.12.2025 bearing reference No.1030/BBCDEFGISSSV/2025 slapped on her husband, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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

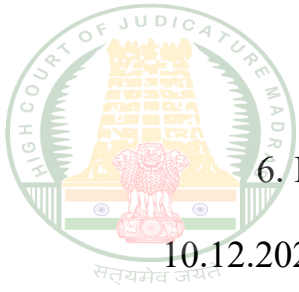


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3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non application of mind on the part 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. Learned counsel for the petitioner submitted that the detaining authority arrived at the subjective satisfaction of detenu being released on bail based on the bail granted by this Court in the case of one Ambala Athithan in CrI.O.P.No.13031 of 2025, but the facts of the said case is totally different.

5. The learned counsel drew the attention this Court to Page No.29 of Volume II of the booklet wherein vide order 29.04.2025 bail was granted to one Ambala Athithan. A careful perusal of the said order, brings to light that the facts of the said case is totally different as that of the instant case. Therefore, taking the said bail order as the 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.

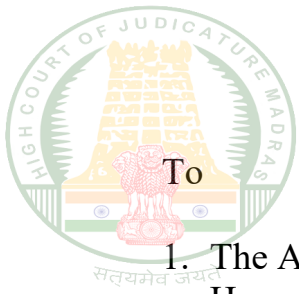


6. In the result, the detention order passed by the second respondent dated 10.12.2025 bearing No.1030/BBCDEFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Musthak Ahamed, male, aged 27, S/o.Jahir Hussain, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)  
13-08-2026

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

gpa



To

1. The Additional Chief Secretary to Government,  
Home Prohibition and Excise Department,  
Secretariat,  
Chennai - 600 009.
2. The Commissioner of Police,  
Greater Chennai.
3. The Superintendent of Prison,  
Central Prison,  
Puzhal,  
Chennai - 600 066.
4. The Inspector of Police,  
(Law and Order)  
T5, Vanagaram Police Station,  
Chennai.
5. The Joint Secretary to Government  
Public (Law & Order)  
Fort Saint George, Chennai – 9
6. The Public Prosecutor  
High Court, Madras.



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

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