



WEB COPY

HCP No. 59 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 59 of 2026

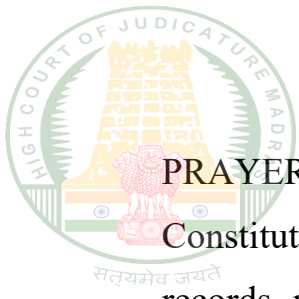
Selvi
W/o.Srinivasan,
No.6/107, Udachakarai,
Alagapuram, Periyapudur,
Salem District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
The Secretary to Government (Home)
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police
Salem City,
Salem.
3. The Superintendent of Prison,
Central Prison,
Salem District.
4. The Inspector of Police,
Fairlands Police Station,
Salem City.

..Respondent(s)



PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed in his proceedings in C.M.P.No.108/GOONDA/Salem City/2025 dated on 11.12.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce petitioner son by name in Arunkumar son of Srinivasan aged about 23 years before this Hon'ble Court now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr.C.DEEPAKKUMAR

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

ORDER

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

The order of detention passed by the second respondent in C.M.P.No.108/GOONDA/Salem City/2025 dated on 11.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

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

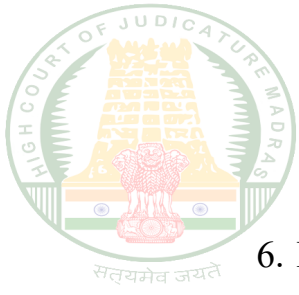
3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned



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 detainee being enlarged on bail while passing the impugned order of detention.

4. The learned counsel for the petitioner submitted that the detainee 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 bail order dated 28.10.2025 in C.M.P.No.2021 of 2025 wherein statutory bail was granted to the accused therein.

5. In this regard, the learned counsel drew the attention of this Court to order in C.M.P.No.2021 of 2025, which is enclosed at Page No.23 of Volume II of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail under Section 187(3) of B.N.S.S. Therefore, taking a default bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detainee being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.



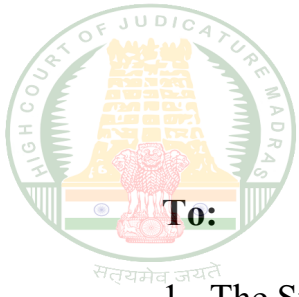
6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C.M.P.No.108/GOONDA/Salem City/2025 dated on 11.12.2025 is hereby set aside. The detainee viz., Arunkumar, S/o. Srinivasan, Male aged about 23 years, is directed to be set at liberty forthwith unless she is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
24-08-2026

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

SSI

Note to Office: Registry to communicate this order to Jail authorities in Central Prison, Salem, forthwith.



- To:**
1. The State of Tamil Nadu,
The Secretary to Government (Home)
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
 2. The Commissioner of Police
Salem City,
Salem.
 3. The Superintendent of Prison,
Central Prison,
Salem district.
 4. The Inspector of Police,
Fairlands Police Station,
Salem City.
 5. The Public Prosecutor,
High Court of Madras.



WEB COPY

HCP No. 59 of 2



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

SSI

HCP No. 59 of 2026

24-08-2026