



WEB COPY

HCP No. 87 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. 87 of 2026

Latha

..Petitioner(s)

Vs

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariate,
Chennai-600 009.
2. The District Magistrate and District Collector,
Salem,
Salem district.
3. The Superintendent of Police,
Salem,
Salem district.
4. The Superintendent
Special Prison for women,
Coimbatore,
Coimbatore District.
5. State rep.by its, The Inspector of Police,
Edappadi Police Station,
Salem district.

..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 entire records, relating to the petitioner's daughter detention under Tamilnadu Act 14 of 1982 vide detention order, dated 22.12.2025 on the file of the second respondent herein



made in proceedings C.M.P.No.28/Goonda/C2/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's daughter namely RAMANI, W/o.Dharmaraj, aged 36 years before this Honble High court and set the petitioner's daughter at liberty from detention, now the petitioner's daughter detained at Special Prison for women, Coimbatore.

For Petitioner(s):	MR.W.CAMYLES GANDHI
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 second respondent in C.M.P.No.28/Goonda/C2/2025, dated 22.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

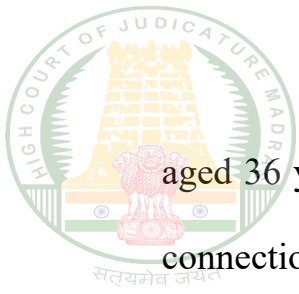
3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of mind on the part of the detaining authority in arriving at the subjective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



4. The learned counsel for the petitioner submitted that the detinue was arrested and remanded to judicial custody in connection with the ground case and three adverse cases, but the detinue has not moved any bail application in respect of the ground case, therefore, there is no real possibility of the detinue coming out on bail in the near future, however, 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 an interim bail order granted to the detinue in CrI.M.P.No.1617 of 2021.

5. In this regard, the learned counsel drew the attention this Court to the order in CrI.M.P.No.1617 of 2021, which is enclosed at Page No.92 of Volume I of the booklet. A careful perusal of the said order, brings to light that the earlier bail applications filed by the detinue were dismissed. Since her husband had died, she was granted interim bail for final rituals in CrI.M.P.No.1617 of 2021. Therefore, taking the said interim bail order as the basis for arriving at subjective satisfaction regarding the imminent possibility of detinue 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 in C.M.P.No.28/Goonda/C2/2025, dated 22.12.2025 is hereby set aside. The detinue viz., RAMANI, W/o.Dharmaraj,



aged 36 years is directed to be set at liberty forthwith unless she is required in connection with any other case.

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

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SLI

To

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariate,
Chennai-600 009.

2.The District Magistrate and District Collector,
Salem,
Salem district.

3.The Superintendent of Police,
Salem,
Salem district.

4.The Superintendent
Special Prison for women,
Coimbatore,
Coimbatore District.

5.State rep.by its, The Inspector of Police,
Edappadi Police Station,
Salem district.

6.The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9

7. The Public Prosecutor
High Court, Madras.



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

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