



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. 112 of 2026

Santhiya

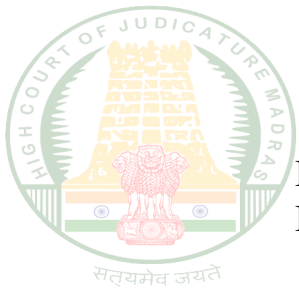
..Petitioner(s)

Vs

1. State of Taminadu, rep.by its Secretary to Govt.
Home, Prohibition and Exercise Dept,
Fort St.George, Chennai.
2. The Commissioner of Police/Detaining
authority, Chennai.
3. Superintendent of Prison,
Special Prison for Women,
Puzhal, Chennai.
4. Inspector of Police,
H6 Dr.R.K.Nagar Police Station,
Chennai.

..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 records in connection with the order of detention passed by the 2nd respondent made in his order No.1078/BBCDEFGISSSV/2025 dated on 26.12.2025 against the Petitioner's Mother Tmt.Geetha W/o.Selvam aged about 40 years who is confined at Special Prison for Women, Puzhal, Chennai, under Tamil Nadu Act 14 of 1982 as DRUG OFFENDER and to quash the same and direct the respondents to produce the detenue Tmt.Geetha W/o.Selvam aged about 40 years before this Honble Court and set him at liberty.



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For Petitioner(s):
For Respondent(s):

MR.G.D.PON PRABHAKARAN
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 No.1078/BBCDEFGISSSV/2025 dated on 26.12.2025 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 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 27.07.2023 in Crl.MP No.5272 of 2023 wherein statutory bail was granted to the accused therein.

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5. In this regard, the learned counsel drew the attention this Court to order in Crl.MP No.5272 of 2023, which is enclosed at Page No.73 of Volume I of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail under Section 167(2) of Cr.P.C. Therefore, taking a default bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

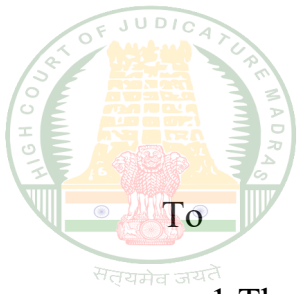
6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent in No.1078/BBCDEFGISSSV/2025 dated on 26.12.2025 is hereby set aside. The detenu Tmt.Geetha W/o.Selvam aged about 40 years, is directed to be set at liberty forthwith unless she is required in connection with any other case.

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

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

SLI

Note to Office : Registry to communicate this order to Jail authorities in Special Prison for Women, Puzhal, Chennai, forthwith.



To

1. The Secretary to Govt.
Home, Prohibition and Exercise Dept,
Fort St. George, Chennai.
2. The Commissioner of Police/Detaining authority,
Chennai.
3. Superintendent of Prison,
Special Prison for Women,
Puzhal, Chennai.
4. Inspector of Police,
H6 Dr.R.K.Nagar 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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