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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 387 of 2026

Revathi
W/o.kumar,

..Petitioner(s)

Vs

1. The State Rep. by the Secretary to
   Government,
   Home, Prohibition and Excise Department,
   Secretariat
   Chennai - 600 009.

2. The District Collector and District Magistrate of
   Tiruvannamalai District,
   Tiruvannamalai.

3. The Superintendent of Police,
   Tiruvannamalai District,
   Tiruvannamalai.

4. The Superintendent of Prison,
   Central Prison, Vellore.

5. The Inspector of Police,
   Vettavalam Police Station,
   Tiruvannamalai District.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of Constitutionof India to issue a writ of habeas corpus or any other writ or order in the nature of writ to call for the records in connection with the order of detention passed by

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the second respondent dated 05.02.2026 in D.ONo.04/2026-C2 against the petitioner's husband Kumar, male aged 55 years S/o.Rajagopal who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner(s): Mr. D.Balaji

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 Kumar, male aged 55 years S/o.Rajagopal, has come forward with this petition challenging the detention order passed by the second respondent dated 05.02.2026 in D.O.No.04/2026-C2 slapped on her husband, branding him as "Bootlegger" 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.

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

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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 bail order dated 16.10.2025 in Crl.M.P.No.3059 of 2025 wherein bail was granted by Principal District and Sessios Court, Tiruvannamalai to one Elumalai.

5. In this regard, the learned counsel drew the attention of this Court to said order in Crl.M.P.No.3059 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 the bail was granted in the said case as the public prosecutor has not raised any serious objection for the grant of bail. 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 05.02.2026 bearing reference

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D.O.No.04/2026 C2 is hereby set aside. The detenu viz., Kumar, male, aged 55 years S/o.Rajagopal, 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.)
19-08-2026

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

gpa

To

1. The Secretary to Government,
   Home, Prohibition and Excise Department,
   secretariat, chennai - 600 009.

2. The District Collector and District Magistrate of
   Tiruvannamalai District,
   Tiruvannamalai.

3. The Superintendent of Police,
   Tiruvannamalai District,
   Tiruvannamalai.

4. The Superintendent of Prison,
   Central Prison, Vellore.

5. The Inspector of Police,
   Vettavalam Police Station,
   Tiruvannamalai 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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AND
K.RAJASEKAR, J.

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