



WEB COPY

HCP No. 456 of 2



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. 456 of 2026

Madhalamary
W/o.Karupusamy,
No. 2/84, Boligoundenpalayam,
Sundaragoundanur, Pollachi,
Coimbatore District.

..Petitioner(s)

Vs

1. The Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate
Coimbatore,
Coimbatore District.
3. The Superintendent
Coimbatore, Coimbatore District.
4. The Superintendent
Central Prison, Coimbatore.
5. State Rep. by The Inspector of Police
Kinathukadavu Police Station,
Coimbatore District.

..Respondent(s)



Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to call for the records in connection with the order of Detention passed by the 2nd respondent dated 12.12.2025 in Cr.M.P.No. 60/D.O/2025 against the petitioner brother John, M/31 years, S/o. Arulappan, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenue before the Honble Court and set him at liberty.

For Petitioner(s): Mr. A.Saranraj

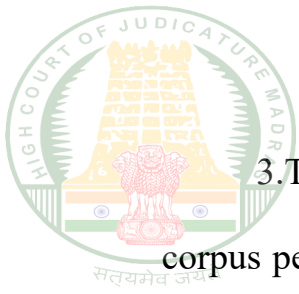
For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

ORDER

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

The order of detention passed by the second respondent bearing Cr.M.P.No.60/D.O.2025, dated 12.12.2025 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 18.12.2024 in CMP No.3890 of 2024, wherein statutory bail was granted to the accused therein.

5. In this regard, the learned counsel drew the attention this Court to order in CMP No.3890 of 2024, which is enclosed at Page No.54 of Volume II of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail granted to the accused therein. 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 Cr.M.P.No.60/D.O/2025 dated on 12.12.2025 is hereby set aside. The detenu, viz., John, S/o Arulappan, aged 31 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.)
13-08-2026

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

MST

To

1. The Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate
Coimbatore, Coimbatore District.
3. The Superintendent
Coimbatore, Coimbatore District.
4. The Superintendent
Central Prison, Coimbatore.
5. State Rep. by The Inspector of Police
Kinathukadavu Police Station,
Coimbatore District.
6. The Public Prosecutor, Madras High Court.



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

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