



WEB COPY

HCP No. 488 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 488 of 2026

Jiji Pottammal
D/o T.Dharmadass,
No.131, Thara Illam,
C.K.Colony, Siddhaputhur,
Coimbatore District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to the
Government,
Department of Prohibition and excise (Home),
Fort St.George, Chennai 600 009.
2. The District Magistrate and District Collector,
Office of The District Magistrate and District
Collector,
Dharmapuri.
3. The Superintendent of Police
Office of The Superintendent of Police,
Dharmapuri.
4. The Superintendent of Prison
Central Prison,
Salem.
5. The Inspector Of Police
Indur Police Station,
Dharmapuri.

..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 in S.C.No.01 of 2026/C1 dated 24.01.2026 on the file of second respondent herein and set aside the same as illegal and produce the detenue Manikandan, S/o Shajan, aged about 28 years, who is confined at Central Prison, Salem before this Honourable Court and set him at liberty.

For Petitioner(s): Mr.Ilayaraja Kandasamy

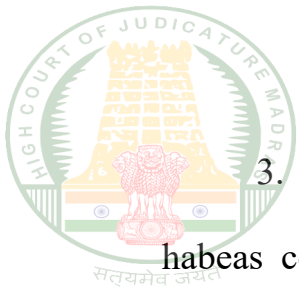
For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

ORDER

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

The order of detention passed by the second respondent in S.C.No.01 of 2026/C1 dated 24.01.2026 is sought to be quashed in the present Habeas Corpus Petition.

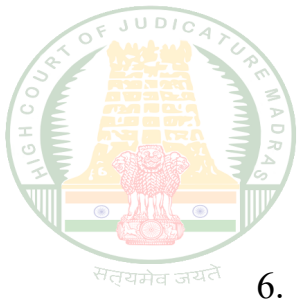
2. We have heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for respondents. We have also perused the records submitted by the detaining authority.



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

4. The learned counsel for the petitioner submitted that the detaining authority arrived at the subjective satisfaction of detenu being released on bail based on the bail granted in the case of one Sankar in C.M.P.No.3985 of 2019, but the facts of the said case is totally different.

5. The learned counsel drew the attention of this Court to Page No.73 of Volume II of the booklet wherein vide order 30.09.2019 bail was granted to one Sankar in C.M.P.No.3985 of 2019. A careful perusal of the said order, brings to light that the facts of the said case is totally different as that of the instant case. In the similar case, there are two previous cases for the accused whereas in the instant case, there are four previous cases. Therefore, taking the said bail order as the 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.



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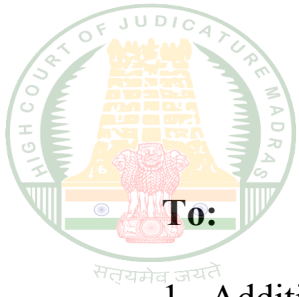
6. In the result, the detention order passed by the 2nd respondent in S.C.No.01 of 2026/C1 dated 24.01.2026 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Manikandan, S/o. Shajan, Male, aged about 28 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
18-08-2026

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. Additional Chief Secretary to the Government
Department of Prohibition and excise (Home),
Fort St.George, Chennai.
 2. The District Magistrate and District Collector
Office of The District Magistrate and District Collector
Dharmapuri.
 3. The Superintendent of Police
Office of The Superintendent of Police,
Dharmapuri.
 4. The Superintendent of Prison
Central Prison,
Salem.
 5. The Inspector Of Police
Indur Police Station,
Dharmapuri.
 6. The Public Prosecutor,
High Court of Madras.



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

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