



WEB COPY

HCP No. 489 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. 489 of 2026

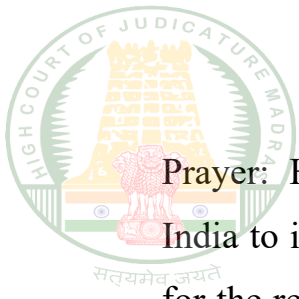
Palaniyammal
W/o Palanisamy,
No.1/87, Pillaiyar Kovil Street,
Kenjanur
Sathyamangalam Taluk,
Erode.

..Petitioner(s)

Vs

1. Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Chennai – 600009.
2. The District Magistrate and District Collector
Office of The District Magistrate and District
Collector, Erode.
3. The Superintendent of Police
Erode District.
4. The Superintendent of Prison
Central Prison,
Coimbatore.
5. The Inspector Of Police
Sathyamangalam Police Station,
Erode.

..Respondent(s)



Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ order or direction in the nature of a Habeas Corpus to call for the records relating to the Detention order vide Cr.M.P.No.69/Goonda/2025 C1 dated 23.12.2025 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioners son namely Appu alias Sivakumar alias Siva alias Appusamy, S/o Palanisamy, aged 40 years, (Who is presently under going detention in the Central Prison, Coimbatore) before this Honourable Court and set him at liberty.

For Petitioner(s): Mr. S.N. Arunkumar

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 2nd respondent, dated 23.12.2025 in Cr.M.P.No.69/Goonda/2025 C1 is sought to be quashed in this Habeas Corpus Petition by the father of the detenu.

2. We have heard the learned counsel for the petitioner and learned Government Advocate 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 passing the impugned order of detention.

4.Learned counsel for the petitioner submitted that the detenu has been remanded to judicial custody in connection with ground case and also two adverse case and he has not moved any bail application in those cases and therefore, there is no real possibility of the detenu coming out on bail in the near future. However, the detaining authority after quoting that the detenu has not filed any bail application, but by relying on a case in CrI.M.P.No.405 of 2025, dated 16.09.2025, attached in page No.74 of Volume-II, wherein bail has been granted by the Judicial Magistrate, Sathyamangalam to the accused concerned, has come to the conclusion that there is a real possibility of the detenu coming out on bail.

5.Per contra, learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6.Considering the submissions made by both sides, this court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. Admittedly, in the ground case and two adverse cases, no bail application has been filed by the detenu or by his relatives so far. If that be so, the subjective satisfaction arrived



at by the detaining authority that there is real possibility of his coming out on bail would be mere ipse dixit and that would vitiate the order of detention. It is a trite law that when no bail application is pending, it is only a logical conclusion that there is no likelihood of the person in custody would be released on bail. There are no materials available to show that a bail application is being moved, on behalf of the detenu, either by his relatives or by any other person, to take him out on bail. Thus, there is no real possibility of the detenu coming out on bail. Therefore, the conclusion of the detaining authority that there is a possibility of the detenu coming out on bail shows his non application of mind while passing the detention order. In such view of the matter, the impugned detention order is liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the impugned order passed by the 2nd respondent dated 23.12.2025 in CrM.P.No.69/Goonda/2025 C1, is set aside. The detenu, namely Appu alias Sivakumar alias Siva alias Appusamy, aged about 40 years, s/o Palanisamy, is directed to be released forthwith unless her detention 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. Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Chennai – 600009.
2. The District Magistrate and District Collector
Office of The District Magistrate and District
Collector, Erode.
3. The Superintendent of Police
Erode District.
4. The Superintendent of Prison
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5. The Inspector Of Police
Sathyamangalam Police Station,
Erode.
6. The Public Prosecutor, Madras High Court.



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K.RAJASEKAR, J.**

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