



WEB COPY

HCP No. 501 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. 501 of 2026

Revathy
W/o.Jothish,
No. 83, K.K.Nagar,
4th Street, Manavalanagar,
Tiruvallur District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu Represented by
The Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600009.
2. The District Magistrate and District
Collector/Detaining Authority
Office of the District Magistrate and District
Collector,
Tiruvallur District.
3. The Superintendent of Prison
Central Prison II, Puzhal,
Chennai District.
4. The Inspector of Police
B5 Manavalangar Police Station,
Tiruvallur District.

..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 pertaining to the detention order No. 04/2026 dated 31.01.2026 passed by the 2nd respondent herein, and quash the same and consequently direct the respondents to produce the detenu petitioners husband named Jothish, aged 34 years, presently confined at Central Prison II, Puzhal, Tiruvallur before this Hon'ble Court and set him at liberty forthwith, and pass such further or other suitable orders as this Hon'ble Court.

For Petitioner(s): Mr.S.Vidhyasagar

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 No.04/2026 dated 31.01.2026 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

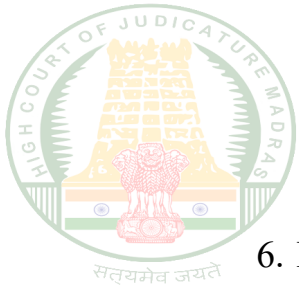
3.Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of



mind on the part of the detaining authority in arriving at the subjective 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 one adverse case, but the detenu has not moved any bail application in respect of the ground case and one adverse case, therefore, there is no real possibility of the detenu coming out on bail in the near future, however, 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 in Crl.M.P.No.4012 of 2025.

5. In this regard, the learned counsel drew the attention of this Court to the order in Crl.M.P.No.4012 of 2025, which is enclosed at Page No.122 of Volume I of the booklet. 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. 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.



6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent in No.04/2026 dated 31.01.2026 is hereby set aside. The detenu viz., Jothish S/o. Anbalagan, Male, aged 34 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
(2/4)

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-II, Puzhal, Chennai, forthwith.



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To:

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Represented by The Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600009.
2. The District Magistrate and District Collector/Detaining Authority
Office of the District Magistrate and District Collector,
Tiruvallur District.
3. The Superintendent of Prison
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4. The Inspector of Police
B5 Manavalangar Police Station,
Tiruvallur District.
5. The Public Prosecutor,
High Court of Madras.



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

SSI

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