



WEB COPY

HCP No. 651 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 651 of 2026

S.Parameshwari
W/o. Subramani
No.07, Karpaga Kanniamman Koil 4th street,
Mattankuppam, Triplicane, Chennai-600 005.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Fort. St. George,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent of Police
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police
D6, Anna Square Police Station,
Chennai.

..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 order of detention passed by the second respondent in his proceedings in No.98/BBCDEFGISSSV/2026, dated 25.02.2026 and quash the same as illegal and produce the detainee, namely Kalaimani S/o. Subramani, aged 31 years, DRUG OFFENDER now he is confined in Central Prison, Puzhal-II, Chennai before this Honourable Court and set him at liberty.



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For Petitioner(s):

Mr. C.Raja

For Respondent(s):

Mr. M. Mohamed Riyaz,
Government Advocate (Crl. Side)

ORDER

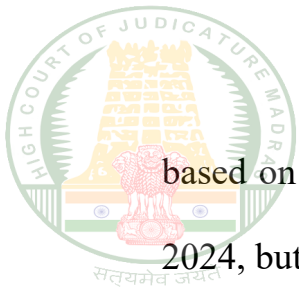
(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the second respondent in No.98/BBCDEFGISSSV/2026, dated 25.05.2026 is sought to be quashed in the present Habeas Corpus Petition.

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 arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. 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 Hariharan in Crl.M.P.No.11940 of 2024, but the facts of the said case is totally different.

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5. The learned counsel drew the attention of this Court to Page No.52 of Part II of the booklet wherein vide order 11.11.2024 bail was granted to one Hariharan in Crl.M.P.No.11940 of 2024. 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 is one previous case for the accused whereas in the instant case, there are 8 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.

6. In the result, the detention order passed by the 2nd respondent No.98/BBCDEFGISSV/2026, dated 25.05.2026 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Kalaimani, S/o.Subramani, aged about 31 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.)
20-08-2026

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



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

stn

**Note to Office : Registry to communicate this order to Jail authorities in
Central Prison, Puzhal-II, Chennai, forthwith.**

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Fort. St. George,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.
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