



WEB COPY



HCP.No.662 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

H.C.P.No.662 of 2026

Radhi

... Petitioner

Versus

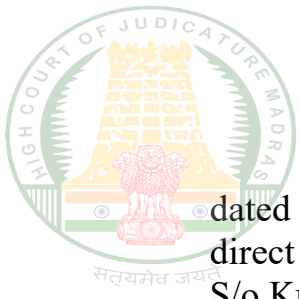
1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat
Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Police
Central Prison-Puzhal
Chennai District
4. The Inspector of Police
H-8, Thiruvottiyur Police Station
Chennai District

..

Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the entire records connected with detention order in Memo No.82/BBCDEFGISSSV/2026

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dated 20.02.2026 on the file of the second respondent, quash the same and direct the respondents to produce the petitioner's son namely Abinesh, S/o.Kumaresan, aged 21 years, before this High Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Puzhal.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the mother of the detenu Abinesh, S/o.Kumaresan, aged 21 years, has come forward with this petition challenging the detention order passed by the second respondent dated 20.02.2026 bearing reference Memo No.82/BBCDEFGISSSV/2026 slapped on her son, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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



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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 two adverse cases and the detaining authority while passing the impugned detention order after having stated that the detenu has not moved any bail petition, has arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order dated 15.09.2025 in CrI.M.P.No.5731 of 2025 wherein bail was granted to one Nithish Kumar. It was also contended that the accused was not present physically or through VC, however, the remand had been extended mechanically. When the accused is in judicial custody, the authorities invoking the detention clearly exhibits non application of mind.

5. In this regard, the learned counsel drew the attention of this Court to order in CrI.M.P.No.5731 of 2025, which is enclosed at Page No.127 of Volume II of the booklet. A careful perusal of the said order, brings to light that in the said case, there is no previous case against the accused whereas in



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the instant case, there are six previous cases against the detenu. Therefore,

taking said bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu 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 dated 20.02.2026 bearing reference Memo No.82/BBCDEFGISSSV/2026 is hereby set aside. The detenu viz., Abinesh, male, aged 21, S/o.Kumaresan, 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.]

24.08.2026

Index: Yes/No

Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat
Chennai – 600 009

2. The Commissioner of Police
Greater Chennai

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3. The Superintendent of Police
Central Prison-Puzhal
Chennai District

4. The Inspector of Police
H-8, Thiruvottiyur Police Station
Chennai District

5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9

6. The Public Prosecutor
High Court, Madras.



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