



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 761 of 2026

Jayanthi
W/o. Arun,
No.96, Santhi Nilayam,
Milka Road, Chinna Chettypalaiyam,
Moolappalayam, Erode District.

..Petitioner(s)

Vs

1. State of Tamil Nadu Rep. by
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Coimbatore City, Coimbatore.
3. The Superintendent of Prison
Central Prison, Coimbatore.
4. The Inspector of Police
Cyber Crime Police Station,
Coimbatore City.

..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 impugned detention order passed by the 2nd respondent made in his proceedings in C.No.216/G/IS/2025 dated 30.12.2025 in detaining the detenu under Section 2(bb) of the Tamilnadu Act 14 of 1982 as a Cyber Law Offender and quash the same and direct the respondents to produce the Detenu namely K.Arun S/o. Kumar, Male aged about 42 years, who is detained at Central Prison, Coimbatore, before this Honorable Court and set him at liberty.



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For Petitioner(s):

Mr. P. Pugalendhi
For Mr. O.S.Thilak Pasumbadiyar

For Respondent(s):

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

ORDER

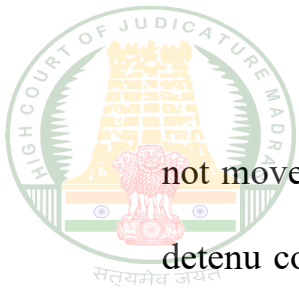
(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the second respondent in Memo C.No.216/G/IS/2025 dated 30.12.2025 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 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 he has



not moved any bail application 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 registered under similar sections of law in Crime No.188/2023, wherein bail has been granted by the learned Judicial Magistrate No.IV, Coimbatore in C.M.P.No.33858 of 2024, dated 04.11.2024 to the accused concerned, has come to the conclusion that there is a real possibility of the detenu, again filing bail application and 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, 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 detention order passed by the 2nd respondent in C.No.216/G/IS/2025 dated 30.12.2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., K.Arun S/o. Kumar, Male, aged about 42 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.)
14-08-2026

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

Note to Office: Registry to communicate this order to Jail authorities in Central Prison, Coimbatore, forthwith.



To

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

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