



WEB COPY

HCP No. 778 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 778 of 2026

Umapathy
S/o. Devaraj,
No.8/142, Nehru Street,
Edapalayam, Alamathi,
Thiruvallur District.

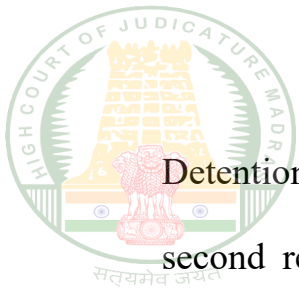
..Petitioner(s)

Vs

1. State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The Commissioner of Police
Avadi City,
Office of the Commissioner of Police (Goondas
Section), Avadi, Chennai-600 054.
3. The Superintendent of Prison
Central Prison,
Puzhal, Chennai District.
4. The Inspector of Police
T-8, Muthapudupet Police Station,
Avadi, Chennai District.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of the Constitution of
India to issue a Writ of Habeas Corpus to call for the records relating to the



Detention Order vide No.19/TNPD/APC/2026 dated 19.02.2026, passed by the second respondent and quash the same and direct the respondents herein to produce the petitioners son namely Dinesh, S/o. Umapathy, aged 21 years, (who is presently under going detention in the Central Prison, Puzhal, Chennai) before this Court and set him at liberty.

For Petitioner(s): Mr.R.Parthiban

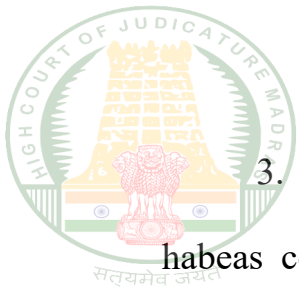
For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

(made by N.Sathish Kumar J.)

The petitioner, who is the father of the detenu Dinesh, S/o. Umapathy, aged 21 years, has come forward with this petition challenging the detention order passed by the second respondent dated 19.02.2026 bearing reference Memo No.19/TNPD/APC/2026 branding her as "Goonda" 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].

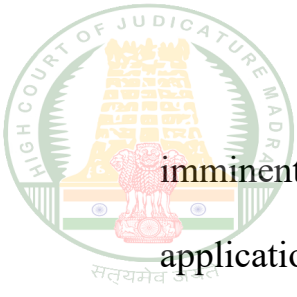
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.



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 three adverse cases, but, the detenu has not moved any bail application in respect of the ground case and 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 CrI.M.P.No.1170 of 2025.

5. In this regard, the learned counsel drew the attention this Court to the order in CrI.M.P.No.1170 of 2025, which is enclosed at Page No.74 in Volume-II of the booklet. A perusal of the said order shows that there were five previous cases pending against the accused therein, whereas, there are twelve previous cases pending against the detenu herein and therefore, the subjective satisfaction arrived at by the detaining authority 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.

In the result, this habeas corpus petition is allowed and the detention order passed by the second respondent dated 19.02.2026 in Memo No.19/TNPD/APC/2026 is hereby set aside and the detenu *viz.* Dinesh, S/o. Umapathy, aged 21 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.)
21-08-2026

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

nsd



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
2. The Commissioner of Police
Avadi City,
Office of the Commissioner of Police (Goondas
Section),
Avadi, Chennai-600 054.
3. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai District.
4. The Inspector of Police
T-8, Muthapudupet Police Station,
Avadi,
Chennai District.
5. The Public Prosecutor,
Madras High Court, Chennai.



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AND
K.RAJASEKAR J.**

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