



WEB COPY

HCP No. 795 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. 795 of 2026

Sarathkumar
S/o Murugan,
No.5 V.R.Pillai Street,
Triplicane, Chepauk, Chennai.

..Petitioner(s)

Vs

1. Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Chennai – 600009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
Central Prison,
Puzhal II, Chennai.
4. The Inspector Of Police
Law and Order,
D3, Ice House Police Station,
Chennai.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the entire records connected



with the detention memo No.48/BBCDEFGISSSV/2026 dated 29.01.2026 on the file of the second respondent and quash the same and direct the respondents to produce the petitioner's cousin brother one named Harish @ Chinna Harish, S/o.D.Padmanaban. aged about 26 years, now confined at Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner(s): Mr.P.Muthamizhselvakumar

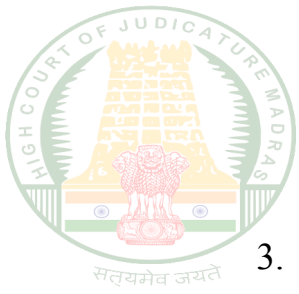
For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

(made by N.Sathish Kumar J.)

The petitioner, who is the cousin brother of the detenu Harish @ Chinna Harish, S/o.D.Padmanaban. aged about 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 29.01.2026 bearing reference Memo No.48/BBCDEFGISSSV/2026 branding him 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].

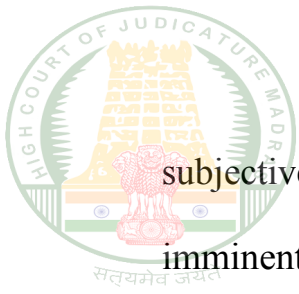
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.



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.5794 of 2025.

5. In this regard, the learned counsel drew the attention this Court to the order in CrI.M.P.No.5794 of 2025, which is enclosed at Page No.110 of Volume II of the booklet. A perusal of the said order shows that there were two previous cases pending against the accused therein, whereas, there are twenty 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 29.01.2026 in Memo No.48/BBCDEFGISSSV/2026 is hereby set aside and the detenu viz. Harish @ Chinna Harish, S/o.D.Padmanaban. aged about 26 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

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

nsd



To

1. Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
Central Prison,
Puzhal II,
Chennai.
4. The Inspector Of Police
Law and Order,
D3, Ice House Police Station,
Chennai.
5. The Public Prosecutor,
Madras High Court, Chennai.



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

nsd

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