



WEB COPY

HCP No. 1230 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. 1230 of 2026

Manickam
S/o. Muniyappan,
D.No.3/351, Melkottai Village,
Bellarampalli Post,
Krishnagiri Taluk and District 635 001.

..Petitioner(s)

Vs

1. The Secretary to Government,
Government of Tamil Nadu
Home, Prohibition and Excise IX,
Secretariat, St.George Fort,
Chennai-600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate, Krishnagiri,
Krishnagiri District.
3. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
4. The Superintendent of Prison,
Central Prison,
Salem.
5. The Inspector of Police
Krishnagiri Taluk Police Station,
Krishnagiri District.

..Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records of the second respondent in reference to the detention order in S.C.No.01 of 2026 dated 07.01.2026, set aside the same and direct the respondents to produce the detenu viz. Sakthivel, son of Manickam, aged about 26 years, before this Court, now detained in the Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr.V.Gunasekar

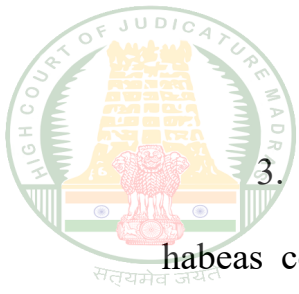
For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

(made by N.Sathish Kumar J.)

This habeas corpus petition has been filed to call for the entire records of the second respondent in reference to the detention order in S.C.No.01 of 2026 dated 07.01.2026, set aside the same and direct the respondents to produce the detenu viz. Sakthivel, son of Manickam, aged about 26 years, before this Court, now detained in the Central Prison, Salem and set him at liberty.

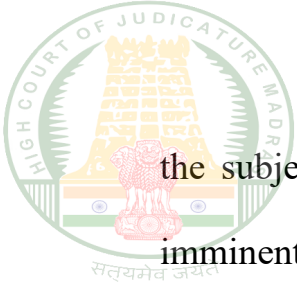
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.



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, 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 Crl.M.P.No.7002 of 2023.

5. In this regard, the learned counsel drew the attention this Court to the order in Crl.M.P.No.7002 of 2023, which is enclosed at Page No.138 of the booklet. A perusal of the said order shows that bail has been granted to the petitioner therein under Section 167(2) of Cr.P.C., which is a mandatory bail, since the investigating officer had not filed the charge sheet within the statutory period and the same cannot be relied on for the case of the detenu. 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 07.01.2026 in S.C.No.01 of 2026 is hereby set aside and the detenu viz. Sakthivel, son of Manickam, 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. The Secretary to Government,
Government of Tamil Nadu
Home, Prohibition and Excise IX,
Secretariat, St.George Fort,
Chennai-600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate,
Krishnagiri,
Krishnagiri District.
3. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
4. The Superintendent of Prison,
Central Prison,
Salem.
5. The Inspector of Police
Krishnagiri Taluk Police Station,
Krishnagiri District.
6. The Public Prosecutor,
Madras High Court, Chennai.



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

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