



WEB COPY

HCP No. 69 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 69 of 2026

Ezhil Victoriya

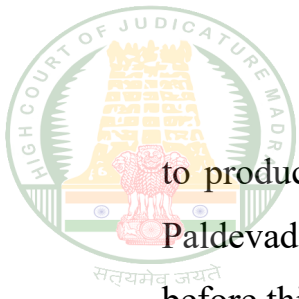
..Petitioner(s)

Vs

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department, Secretariat,
Chennai - 600 009.
2. District Collector and District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.
3. The Superintendent of Police,
O/o. Superintendent of Police,
Mayiladuthurai District.
4. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
5. The Inspector of Police,
All Women Police Station,
Mayiladuthurai District.

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the entire records connected with the detention order in C.O.C.No.47/2025 dated 28.11.2025 on the file of the Respondent No.2 and quash the same and direct the Respondents



to produce the petitioner's husband one named Thiru.Samson Prabakaran S/o. Paldevadoss aged about 54 years now confined at Central Prison, Cuddalore before this Honble Court and set him at Liberty.

For Petitioner(s): MR.P.MUTHUMIZHSELVAKUMAR
For Respondent(s): MR.M.MOHAMED RIYAZ
GOVERNMENT ADVOCATE
(CRIMINAL SIDE)

ORDER

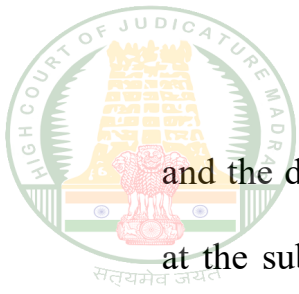
(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the second respondent in C.O.C.No.47/2025 dated 28.11.2025 is sought to be quashed in the present Habeas Corpus Petition.

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 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 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 dated 16.04.2024 in CrI.MP No.481 of 2024 wherein statutory bail was granted to the accused therein.

5. In this regard, the learned counsel drew the attention this Court to order in CrI.MP No.481 of 2024, which is enclosed at Page No.13 of Volume I of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail under Section 167(2) of Cr.P.C. Therefore, taking a default 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 in C.O.C.No.47/2025 dated 28.11.2025 is hereby set aside. The detenu Thiru.Samson Prabakaran S/o. Paldevadoss aged about 54 years is directed to be set at liberty forthwith unless she is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
12-08-2026

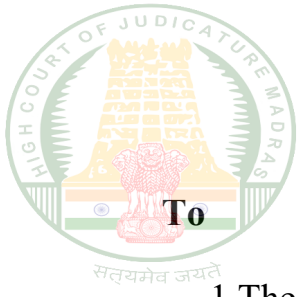
Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SLI

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



To

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

2. District Collector and District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.

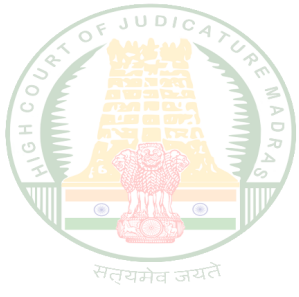
3. The Superintendent of Police,
O/o. Superintendent of Police,
Mayiladuthurai District.

4. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

5. The Inspector of Police,
All Women Police Station,
Mayiladuthurai District.

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

7. The Public Prosecutor
High Court, Madras.



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

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