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**Mala vs the State of Tamilnadu Rep by, the Additional Chief Secretary,**

**Mala vs the State of Tamilnadu Rep by, the Additional Chief Secretary,**

**SooperKanoon Citation** : sooperkanoon.com/1483507

**Court** : Chennai

**Decided On :** Mar-04-2026

**Judge** : Honourable Dr.Justice Anita Sumanth,Honourable Mr.Justice Sunder Mohan

**Appeal No.** : HCP/1804/2025

**Appellant** : MALA

**Respondent** : The State of Tamilnadu Rep by, the Additional Chief Secretary,

**Judgement** :

2026:MHC:893

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH AND THE HON'BLE MR.JUSTICE SUNDER MOHAN HCP NO. 1804 OF 2025 Mala W/o.Devamani, No.24, Main Road, Thirunallar Post, Karaikal District, Pondicherry State. ..Petitioner(s) Vs

1. State of Tamil Nadu Represented by Add Chief Secretary, Prohibition and Excise Department, Secretariat, Fort St.George, Chennai-600 009.

2. The District Collector And District Magistrate,

3. The Superintendent Of Police,

4. The Superintendent Of Prison, Central Prison, Cuddalore, Cuddalore District. Page1 of 6

5. The Inspector Of Police, Sembanarkovil Police Station, Tharangambadi Taluk,

..Respondent(s) Prayer: Habeas Corpus Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other appropriate Writ, or order, or direction, in the nature of the Writ of calling for the records of the detention 06.08.2025 in detention order C.O.C.No.32/2025 on the file of the second respondent herein, and quash the same and direct the respondents herein to produce the detenue Prabaharan, S/o.Devamani, Hindu aged about 29 years who is now confined in Central Prison, Cuddalore before the Honble Court and set him at liberty. For Petitioner(s): Mr.R.Thamaraiselvan For Respondent(s): Mr.R.Muniyapparaj Additional Public Prosecutor Assisted By Mr. M.Sylvester John Advocate

## ORDER

(Order of the Court was made by Dr.Anita Sumanth J.) We have heard Mr.R.Thamarai Selvan, learned counsel for the petitioner and Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents.

2. The challenge is to an order of detention dated 06.08.2025, whereunder the detenu Prabaharan, aged 29, S/o.Devamani, has been branded Page2 of 6 as a Goonda in terms of Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short Act).

3. It is the say of the petitioner that absolutely no grounds have been

made out to sustain the impugned order, apart from a reference to the bail petition filed in the case of one Kanagaraj S/o Marimuthu. Hence, and in the absence of any valid basis for the satisfaction of the Sponsoring Authority, the impugned order cannot be sustained.

4. Per contra, the submission of the learned Additional Public Prosecutor

> is to the effect that the impugned order has categorically referred to bail having been granted in a similar case in Cr.No.558 of 2023 in the case of Kanagaraj S/o Marimuthu by the District and Sessions Judge, Mayiladuthurai in Crl.M.P.No.2015 of 2024 on 05.09.2024. In addition, the Authority notes that the detenu had moved bail application in Crl.M.P.No.1031 of 2025 before the District and Sessions Court, Mayiladuthurai that came to be dismissed on 05.08.2025. Hence, the impugned order must be sustained.

5. Having heard both learned counsel, we are of the considered view that the petitioner is to succeed. As noted, the only ground set out in the impugned

**order is reliance on the bail granted on 05.09.2024 to Kanagaraj, S/o**

Marimuthu. Page3 of 6

6. We have had the benefit of the order passed on 05.09.2024 in that case.

> The District and Sessions Judge, Mayiladuthurai has categorically noted even at the very outset in that order that Kanagaraj was remanded to judicial custody on 28.10.2023 and had been in custody for 310 days as on the date of that order. Since he was the only breadwinner in his family and on the other grounds set out on his behalf in that matter, bail had been granted.

7. We are of the view that, that bail order has no relevance to the present case and hence the subjective satisfaction stated to have been arrived at by the Sponsoring Authority on the basis of that order, is no satisfaction at all.

8. As far as the bail application in the case of the detenu is concerned, we

> have had occasion to peruse order dated 05.08.2025 and find that the basis on which the bail was denied is two fold. Firstly, the learned Judge finds that the investigation was at preliminary stage and hence it would be appropriate that the detenu, who had been in custody only for 29 days, must continue there. Secondly, as the investigation was on-going, the presence of the detenu was necessary.

9. However, as on date, we are given to understand that charge sheet has

been filed as early as on 06.10.2025 and P.R.C.No.15 of 2025 has also been instituted before D.M.-cum-J.M., Tharangapadi, which is pending. In such circumstances, we are of the considered view that the dismissal of the bail application would not stand to the detriment of the detenu. Page4 of 6

10. The date of remand is 07.07.2025 and the detention order has been passed on 06.08.2025 after a period of one month. There is no valid ground that has been placed before us to justify the elapse of one month.

11. For the reasons stated above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.32/2025 dated 06.08.2025 is hereby set aside.

12. The detenu, viz., Prabaharan, S/o.Devamani, aged 29 years, who is now confined in Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case. (A.S.M.,J.) (S.M.,J.) 04-03-2026 Index: Yes/No

## Speaking order

Neutral Citation: Yes sl Note: Registry is directed to issue a copy of this order today. To

1. State of Tamil Nadu Represented by Add Chief Secretary, Prohibition and Excise Department, Secretariat, Fort St.George, Chennai-600 009. Page5 of 6 DR.ANITA SUMANTH J. AND SUNDER MOHAN J. sl

2. The District Collector And District Magistrate,

3. The Superintendent Of Police,

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

5. The Inspector Of Police, Sembanarkovil Police Station, Tharangambadi Taluk,

6. The Public Prosecutor, High Court of Madras.

7. The Joint Secretary to Government, Public (Law and Order), Fort St.George, Chennai-9. HCP NO. 1804 OF 2025 04-03-2026 Page6 of 6

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