



WEB COPY

HCP No. 298 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 298 of 2026

Meenakshi
W/o.Yuvaraj,

..Petitioner(s)

Vs

1. The State Rep.by its, Government of Tamil Nadu rep.by its,
The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai.
2. The Commissioner of Police,
Avadi City.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
E3, Minjur Police Station,
Tiruvallur District.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of Constitution of India to issue Writ of Habeas Corpus calling for the records in Detention order passed in No.188/TNPD/APC/2025 dated 17.12.2025 on the file of the 2nd Respondent herein and quash the same and direct the respondents herein to produce the person or body or petitioners husband Thiru.Yuvaraj @ Kaisaman S/o. Balakrishnan , male, aged 30 yrs now confined in Central Prison, Puzhal,



Chennai before this Honble court and set him at Librty.

For Petitioner(s):

Mr. D.Padmanabhan

For Respondent(s):

Mr.M.Mohamed Riyaz

Government Advocate (Crl.side)

ORDER

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

The petitioner, who is the wife of the detenu Yuvaraj @ Kaisaman S/o. Balakrishnan, male, aged 30 years, has come forward with this petition challenging the detention order passed by the second respondent dated 17.12.2025 bearing reference No.188/TNPD/ACP/2025 slapped on her husband, 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 made his submission on the ground that the detaining authority in the grounds of detention has stated that there is likelihood of the detenu coming



out on bail as in similar case in Crl.O.P.No.24833 of 2023 bail has been granted by this Court to the accused concerned. However, a copy of the said bail order has not been furnished to the detenu, but a copy of the order in Crl.M.P.No.1588 of 2025 has been enclosed. Hence, an opportunity of making an effective representation against the detention order is denied to the detenu. The non furnishing of the documents relied on would vitiate the order of detention.

4.It is seen from a perusal of the grounds of detention that in similar case, the accused concerned was released on bail by this Court, but the paper book furnished by the prosecution does not contain the copy of such bail order made in similar case, instead copy of the bail order dated 22.04.2025 in Crl.MP.No.1588 of 2025 has been enclosed. The said bail order was the document relied upon by the Detaining Authority to come to a subjective satisfaction that the detenu was likely to be released on bail. Admittedly, such document has not been supplied to the detenu. Therefore, non supply of the copy of the bail order in similar case to the detenu would vitiate the impugned detention order.

5.The Honourable Supreme Court in *M.Ahamedkutty Vs. Union of India and another* reported in (1990) 2 SCC 1 has held that the bail application and bail order were vital material for consideration and if those were not considered, the satisfaction of the detaining authority itself would have been impaired. The



relevant paragraph from the said judgment reads as follows:

'27. Considering the facts in the instant case, the bail application and the bail order were vital materials for consideration. If those were not considered the satisfaction of the detaining authority itself would have been impaired, and if those had been considered, they would be documents relied on by the detaining authority though not specifically mentioned in the annexure to the order of detention and those ought to have formed part of the documents supplied to the detenu with the grounds of detention and without them the grounds themselves could not be said to have been complete. We have, therefore, no alternative but to hold that it amounted to denial of the detenu's right to make an effective representation and that it resulted in violation of Article 22(5) of the Constitution of India rendering the continued detention of the detenu illegal and entitling the detenu to be set at liberty in this case. '

6.Hon'ble Supreme Court in *Jaseela Shaji Vs. Union of India and others* reported in (2024) 9 SCC 53 has held that though it may not be necessary to furnish copies of each and every document to which a casual or passing reference has been made, it is imperative that every such document which has been relied on by the detaining authority and which affects the right of the detenu to make an effective representation under Article 22(5) of the Constitution has to be supplied to the detenu.

7.The said judgments are squarely applicable to the case on hand. The non supply of the materials on which the subjective satisfaction was arrived at



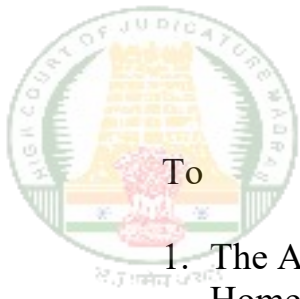
would affect the right of the detenu guaranteed under Article 22(5) of the Constitution of India to make an effective representation. The impugned detention order is therefore liable to be quashed.

8.In the result, the Habeas Corpus Petition is allowed and the order of detention in No.188/TNPD/APC/2025 dated 17.12.2025 passed by the second respondent is set aside. The detenu, namely Yuvaraj @ Kaisaman, male, aged 30 years, S/o.Balakrishnan, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
13-08-2026

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

gpa



To

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai.
2. The Commissioner of Police,
Avadi City.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
E3, Minjur Police Station,
Tiruvallur District.
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



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

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