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HCP No. 284 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 284 of 2026

Anjalai
W/o. Rajan,
No.1, 123rd Block, Tsunami Quarters,
Ernavur, Chennai - 57.

..Petitioner/
Grandmother of the Detenu

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 66.
4. The Inspector of Police,
Law and Order,
H8, Thiruvottiyur Police Station,
Chennai.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying
for issuance of Writ of Habeas Corpus, calling for the records in



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connection with the order of Detention passed by the second respondent dated 26.11.2025 in Memo No.993/BBCDEFGISSSV/2025 against the petitioner's Grandson namely Deepak, male, aged 23 years S/o.Shanmugam, who is confined at Central Prison, Puzhal, Chennai. and set aside the same and direct the respondents to produce the detenue before this Court and set him at Liberty.

For Petitioner(s): Ms.S.Rohini
for Mr.S.Senthilvel

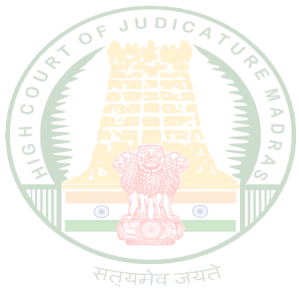
For Respondent(s): Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The grandmother of detenu - Deepak, aged 23 years S/o.Shanmugam, has filed this petition challenging the detention order dated 26.11.2025, branding him as a 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.

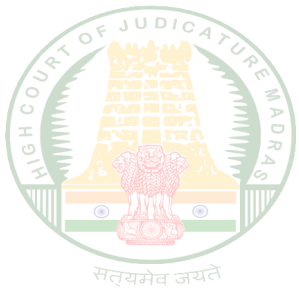


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3. The detention order is liable to be quashed for more than one reason. In the grounds of detention, the detaining authority has relied upon the statement avowedly recorded from the mother of the detenu under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. The said statement is neither dated nor signed.

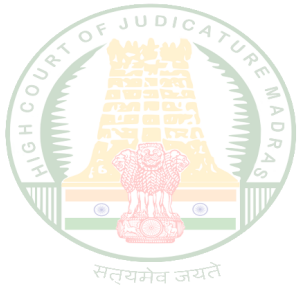
4. On 03.03.2026, in HCP Nos. 2129, 2179 and 2340 of 2025, we had held that the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application. We had reiterated and clarified this view in a subsequent case, i.e., HCP No.2356 of 2025 dated 22.06.2026, after we were informed that our view was held to be *per incuriam* by a Co-ordinate Bench of this Court in HCP (MD) N0.369 of 2026 dated 19.06.2026. We have held that only a signed statement of a relative can be relied upon by the detaining authority to satisfy himself as regards the possibility of the detenu filing a bail application and that a Section 180(3) of BNSS statement cannot be the basis for such a satisfaction.



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5. That apart, the detaining authority has relied upon an order passed by this Court in Crl.O.P.No. 30749 of 2024 to infer that the detenu is likely to be released on bail.

6. We find that the facts in the said case relied upon by the detaining authority are not similar. In that case, the occurrence took place due to a sudden quarrel and the accused therein did not intend to cause the death of his own father, who fell down pursuant to the quarrel, sustained injuries and succumbed to the injuries. The facts in the present case are totally different, as the detenu is accused of causing the death of the deceased, on account of prior enmity. Therefore, the reliance placed on the order in Crl.O.P.No.30749 of 2024 is misconceived and consequently, the subjective satisfaction that the detenu is likely to be released on bail, is vitiated. For the aforesaid reasons, the impugned order is liable to be quashed.



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7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.993/BBCDEFGISSSV/2025, dated 26.11.2025, is set aside.

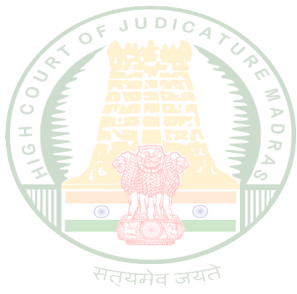
8. The detenu, viz., Deepak, aged 23 years S/o.Shanmugam, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
14-07-2026

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

Issue order copy today.

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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai - 66.
4. The Inspector of Police,
Law and Order, H8, Thiruvottiyur Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.

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