



WEB COPY

HCP No. 710 of 2



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. 710 of 2026

Divya Mary

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai, Vepery,
Egmore, Chennai.
3. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai.
4. The Inspector of Police [L&O],
E-1, Mylapore Police Station,
Chennai.

..Respondent(s)

Prayer: Petition filed under Section 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, to call for the records in respect of the Impugned Order of detention bearing BBCDEFGISSSV No.801/2025 dated 17.10.2025 on the file of the second respondent and set aside the same as illegal and consequentially direct the respondents to produce the petitioner's husband Mr.Jayaram, S/o Mahadevan (wrongly mentioned as Mr.Jeyaram, S/o Magadevan in the petition) male aged about 24 years and now confined at Central Prison - II, Puzhal, Chennai before this Court and set him at liberty forthwith.



WEB COPY

HCP No. 710 of 2



For Petitioner(s):

Mr.A.Thirumaran

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 wife of the detenu – Jayaram, S/o Mahadevan, aged 24 years, has filed this petition challenging the detention order dated 17.10.2025, 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 (Crl.Side) for respondents.

3. The detention order is liable to be quashed for more than one reason. It is seen that the Government Order delegating the power of detention to the 2nd respondent herein has not been enclosed in the booklet provided to the detenu, thereby denying the detenu to make an effective representation against the detention order.

4.It is well settled that if the relied upon documents are not furnished to the detenu, his right to make effective representation would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the

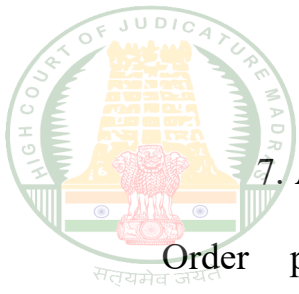


Hon'ble Supreme Court had held that non-supply of relevant documents to the detenu renders the detention illegal.

WEB COPY

5. That apart, in the grounds of detention, the detaining authority has stated that the detenu had moved a bail application in Crl.M.P.No.9607 of 2025 before the Court of Principal Sessions Judge, Chennai; that the same is pending; and that in a similar case, bail was granted by the Principal Sessions Judge, Chennai in Crl.M.P.No.20525 of 2024 on 29.07.2024.

6. The detaining authority ought to have seen whether the facts in the bail order relied upon by him were comparable to the facts of the instant case. In the order relied upon by the detaining authority, the accused therein was accused of the offences of the under Sections 126(2), 296(b), 115, 125, 309(4), 311, 351(2) of BNS, whereas, in this case, the detenu is accused of the offences under Sections 296(b), 115(2), 309(4), 311 and 351(3) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998. The offences and the facts are not similar. Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. For both the grounds, the detention order is liable to be quashed.



7. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order in No.801/BBCDEFGISSSV/2025 dated 17.10.2025 is set aside.

8. The detenu, viz., Jayaram, S/o Mahadevan, aged 24 years, now confined in Central Prison, Puzhal, Chennai, is 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

TSG

Note: Issue order copy today

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai, Vepery,
Egmore, Chennai.
3. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai.
4. The Inspector of Police [L&O],
E-1, Mylapore Police Station,
Chennai.



5. The Joint Secretary,
Law and Order Department, Secretariat,
Chennai – 600 009.

WEB COPY

6. The Public Prosecutor,
High Court of Madras.



WEB COPY

HCP No. 710 of 2



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

TSG

HCP No. 710 of 2026

14-07-2026