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HCP No. 2650 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2650 of 2025

Hemavathi

..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai District.

..Respondent(s)

Prayer: Petitioner filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records in Detention Order Passed in No.949/BBCDEFGISSSV/2025 dated 14.11.2025 on the file of the 2nd Respondent herein and quash the same and direct the respondents herein to produce the Person or body of Petitioner's son



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Thiru.Sathishkumar @ Sosan, aged 23 Years, S/o. Sathya Confined in Central Prison Puzhal, Chennai District before this Court and set him at liberty.

For Petitioner(s): Mr.M.Muraliragul

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 mother of the detenu – Sathishkumar @ Sosan, aged 23 years, S/o.Sathya, has filed this petition challenging the detention order dated 14.11.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.

3. The detention order is liable to be quashed for more than one reason. Firstly, we find that the Seizure Mahazar provided in page 17 of



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volume I of the booklet supplied to the detenu is illegible. It is needless to say that furnishing of an illegible copy amounts to non-supply of the document.

4. In this context, it is useful to refer to the following observations of the Hon'ble Supreme Court in the case of '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*'.

“9.However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective



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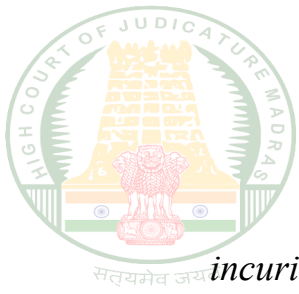
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representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.

..... **16.**For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenu be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

5. That apart, it is seen from the grounds of detention that the detaining authority had stated that the detenu has not moved any bail application, and had relied upon a statement said to have been made by the mother of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application.

6. 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*



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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.

7. Therefore, the reliance placed on the said statement recorded under Section 180(3) of BNSS, by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to indulge in further criminal activities after his release on bail is based on the said wrong premise. For both the reasons, the detention order is liable to be quashed.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.949/BBCDEFGISSSV/2025, dated 14.11.2025, is set aside.



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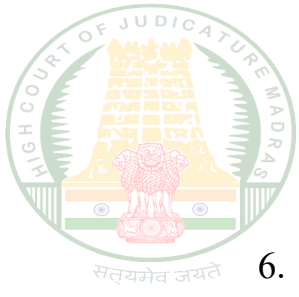
9. The detenu, viz., Sathishkumar @ Sosan, aged 23 years, S/o.Sathya, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
17-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
TSG
Note: Issue order copy today.

To

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai District.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai



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6. The Public Prosecutor,
High Court, Madras.



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

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