

HCP No.2661 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.2661 of 2025

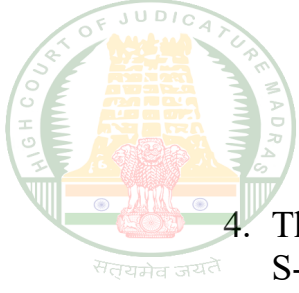
Abitha

W/o. Arun @ Otha Rupa Arun,
No.10/36,
John Kennedy Street,
Ullagaram,
Chennai - 600 061.

...Petitioner/Wife of
Detenue

Vs

1. The State of Tamil Nadu
Rep. by the
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.



4. The Inspector of Police
S-7, Madipakkam Police Station,
Chennai.

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...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the Detention order vide No.929/BBCDEFGISSSV/2025 dated 10.11.2025, passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's husband namely Arun @ Otha Rupa Arun, S/o. Pichandi, aged 26 years, (who is presently under going detention in the Central Prison, Puzhal), before this Court and set him at liberty.

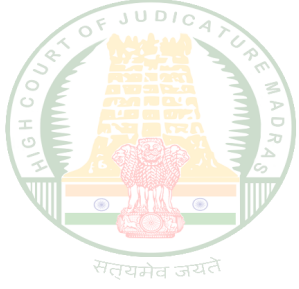
For Petitioner : Mr.N.Arun Kumar

For Respondents: 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 – Arun @ Otha Rupa Arun, S/o. Pichandi, aged 26 years, has filed this petition challenging the detention order dated 10.11.2025, branding him as a 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

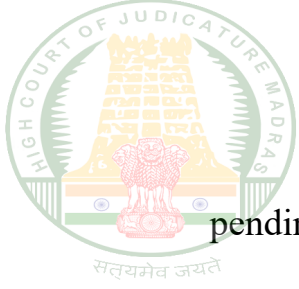


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2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

3.The detention order is liable to be quashed for more than one reason. Firstly, it is seen that some of the documents relied upon by the detaining authority viz., the Arrest Card and the Remand Report has not been translated in Tamil. Admittedly, the detenu is acquainted only with Tamil. It is well settled that if the relied upon documents are not furnished in the language known 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 in the language known to the detenu renders the detention illegal.

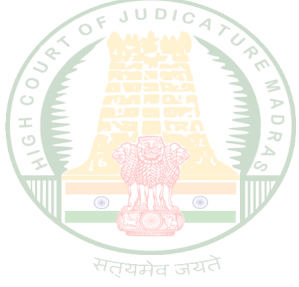
4.Secondly, the detaining authority has stated that the detenu had filed a bail application in CrI.M.P.No.3300/2025 before the Court of Principal District and Sessions Judge, Chengalpet and the same is



pending; and that in a similar case, bail was granted to some other accused by the Sessions Court, Chennai, in CrI.M.P.No.20525/2024 on 29.07.2024.

5.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. The accused therein was accused of the offences under Sections 126(2), 296(b), 115, 125, 309(4), 311, 351(2) of BNS, whereas, in the present case, the detenu is accused of the offences under Sections 126(2), 296(b), 115(2), 309(4), 311, 125, 324(2) & 351(3) of BNS. 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 reasons, the detention order is liable to be quashed.

6. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.929/BBCDEFGISSSV/2025 dated 10.11.2025 is set aside.



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7. The detenu, viz., Arun @ Otha Rupa Arun, S/o.Pichandi, aged

26 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.)
20-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Issue order copy today.

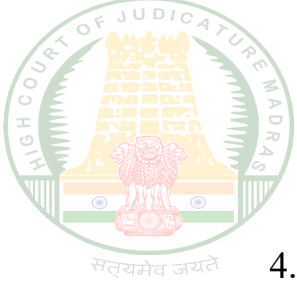
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To

1. Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.

3. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.

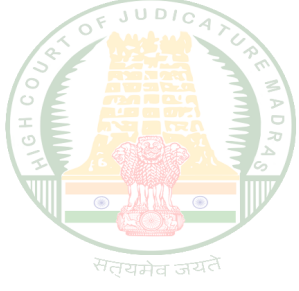


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4. The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai.

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

6. The Public Prosecutor,
High Court of Madras.



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

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HCP No. 2661 of 2025

20-07-2026