



WEB COPY



HCP No. 2704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2704 of 2025

G.Gopala Krishna

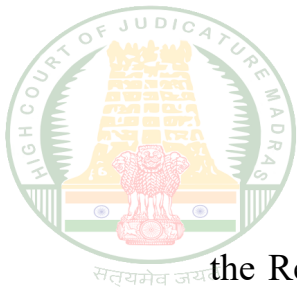
..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai Corporation,
Vepery, Chennai.
3. The Inspector of Police,
J-13, Tharamani Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal,
Chennai.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the 2nd respondent on 17.10.2025 vide order No.813/BBCDEFGISSSV/2025 and to quash the same and direct



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the Respondents to produce the person or body of the detenu Rajadurai, male 31 years, S/o.Govindaswamy before this Court and set him at liberty now detained at Central Prison, Puzhal, Chennai.

For Petitioner(s):	Mr.J.Arun Kumar
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 brother of the detenu – Rajadurai, aged 31 years, S/o.Govindasamy, has filed this petition challenging the detention order dated 17.10.2025, 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, it is seen from the grounds of detention that the detaining



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authority has stated that the detenu was in remand and that he was aware that his bail application was dismissed, and had relied upon a statement said to have been made by the wife of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application.

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. Further, we find the said statement is not even dated. The date on which the statement is made would be relevant for the purpose of arriving at the aforesaid subjective satisfaction. In the absence of the date, that would be vitiated on this ground also.



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5. 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.

6. Secondly, on perusal of records, it is seen that the special report sent by the sponsoring authority is undated. The compelling necessity to detain the detenu would depend on the date on which the sponsoring authority has sent his report. In the absence of the said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful.

7. Further in '*Rekha Vs. State of Tamil Nadu through Secretary to Government and another*' reported in '*2011 [5] SCC 244*', the Hon'ble Supreme Court had held that where the detention order is passed on any irrelevant material, then, the detention order is liable to be quashed. For both the reasons, the detention order is liable to be quashed.



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8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.813/BBCDEFGISSSV/2025 dated 17.10.2025, is set aside.

9. The detenu, viz., Rajadurai, aged 31 years, S/o.Govindasamy, 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.)
06-07-2026

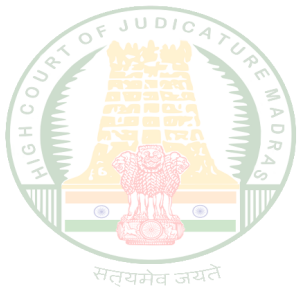
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy today.

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai Corporation,
Vepery, Chennai.



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3. The Inspector of Police,
J-13, Tharamani Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
6. The Public Prosecutor,
High Court, Madras.



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

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