



HCP No. 2713 of 2025

WEB COPY

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. 2713 of 2025

Parasakthi

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep by. the Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Division), Vepery,
Chennai - 600 007.
3. The Superintendent of Police,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
Valasaravakkam Police Station,
Greater Chennai Police,
Chennai District.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, to produce the body or in person of the detenu namely, Prasanth S/o.Amavasai, aged about 29 years (wrongly



HCP No. 2713 of 2025

mentioned as 30 years in the petition) before this Court and set him at liberty forthwith, by calling for the records pertaining to the detention order No.933/BBCDEFGISSSV/2025 Dated 12.11.2025 passed by the 2nd Respondent, quash the same as illegal, incompetent and ultravires.

For Petitioner(s):	Mr.M.Sarath Kumar
For Respondent(s):	Mr. C.R. Malarvannan, Counsel for Government of Tamil Nadu (Criminal Side)

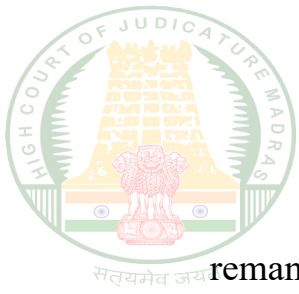
ORDER

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

The mother of the detenu - Prasanth, S/o.Amavasai, aged 29 years, has filed this petition challenging the detention order dated 12.11.2025, branding him as a 'Sexual Offender' under Section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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

3. The Detention Order is liable to be quashed for more than one reason. It is seen from the grounds of detention that the detenu is in



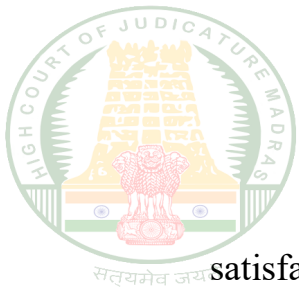
HCP No. 2713 of 2025

WEB COPY

remand and he has not moved any bail application. However, the detaining authority has 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.

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.

5. Therefore, the reliance placed on the said statement recorded under Section 180(3) of BNSS, by the detaining authority to arrive at the

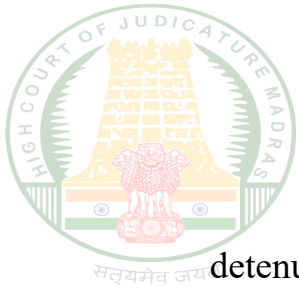


WEB COPY

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. That apart, in the grounds of detention, the detaining authority has stated that in a similar case, bail was granted to an other accused by this Court, in CrI.O.P.No.26012 of 2024 dated 21.10.2024; and that therefore, there is likelihood of the detenu coming out on bail, by filing appropriate bail application.

7. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the case against the detenu. In the order relied upon by the detaining authority, bail was granted to the accused therein because there was no mention of the name of the accused in the FIR and in the statement of the victim girl. The facts of the said case and the present case 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



HCP No. 2713 of 2025

WEB COPY

detenu coming out on bail. For the aforesaid 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.933/BBCDEFGISSV/2025, dated 12.11.2025, is set aside.

9. The detenu, viz., Prasanth, S/o.Amavasai, aged 29 years, 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.)
20-07-2026

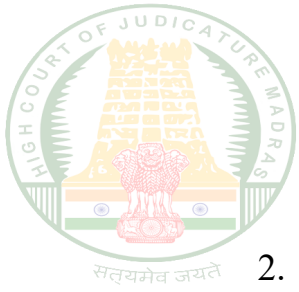
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy today

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai.

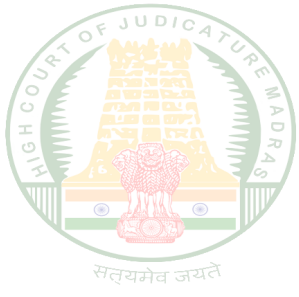


WEB COPY



HCP No. 2713 of 2025

2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Division), Vepery,
Chennai - 600 007.
3. The Superintendent of Police,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
Valasaravakkam Police Station,
Greater Chennai Police,
Chennai District.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



WEB COPY



HCP No. 2713 of 2025

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

TSG

HCP No. 2713 of 2025

20-07-2026

Page 7 of 7