



HCP No.72 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

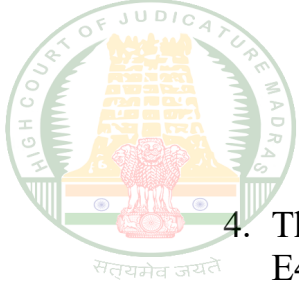
HCP No. 72 of 2026

A.Logeshwari
D/o. Aswathaman,
No.L/76, Vanniyampathi Street,
Raja Annamalaipuram,
Chennai - 600 028.

...Petitioner/Sister of
Detenue

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, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison - II,
Puzhal,
Chennai - 600 066.



4. The Inspector of Police,
E4, Abhiramapuram 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, directing the Respondents to produce the Petitioner's Brother Mr.Tharun Kumar @ Daalu Tharun S/o.Aswathaman, male aged about 24 years and now confined at Central Prison-II, Puzhal, Chennai before this Court and set him at liberty forthwith by setting aside the Impugned order of Detention bearing No.799/BBCDEFGISSSV dated 16.10.2025 on the file of the Second Respondent.

For Petitioner: Mr.A.Thirumaran

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 sister of the detenu – Tharunkumar @ Daalu Tharun S/o.Aswathaman, aged 25 years, has filed this petition challenging the detention order dated 16.10.2025, branding him as '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 the Government of Tamil Nadu (Criminal Side) for the respondents.

3. The detention order is liable to be quashed for more than one reason. The detaining authority in para 4 of the grounds of detention has observed that the detenu's bail application was dismissed and that the sponsoring authority has stated that the relatives are taking steps to file a bail application. The detaining authority has relied upon a statement said to have been made by the sister of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application.

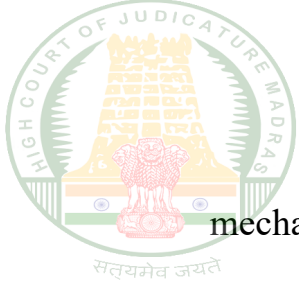
4. On 03.03.2026, in HCP Nos. 2129, 2179 and 2340 of 2025, we had held that the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application. We had reiterated and clarified this view in a subsequent case, i.e., HCP No.2356 of 2025 dated 22.06.2026, after we were informed that our view was held to be *per incuriam* by a Co-ordinate Bench of this Court in HCP (MD) No.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.

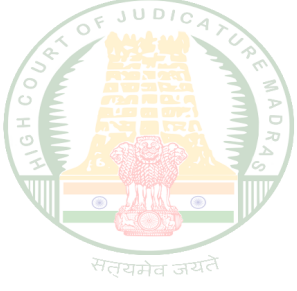
5. Therefore, the reliance placed on the said statement recorded under Section 180(3) of BNSS, by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu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

6. Secondly, in page 7 of the booklet, the Accident Register pertaining to the victim in this case has been furnished. Page 8 contains the translation. However, we find that certain portions have been



mechanically added in the translated version by adding details of a case which is totally unrelated to the instant case. The crime number is mentioned, and the name of the doctor, who had made entries in the Accident Register, is also mentioned, and the date of entry is shown as 26.09.2025, whereas the Accident Register was made on 03.10.2025. Since an improper translation has been furnished, the detenu's right to make an effective representation has been denied. 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. For all the above said reasons, the impugned order is liable to be quashed.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.799/BBCDEFGISSSV/2025 dated 16.10.2025, is set aside.



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8. The detenu, viz., Tharunkumar @ Daalu Tharun S/o.Aswathaman, aged 25 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.)
02-07-2026

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

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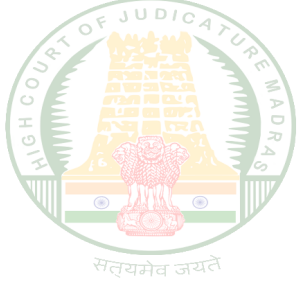


To

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1. The Secretary to the Government,
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Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison-II,
Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
E4, Abhiramapuram 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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