



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 121 of 2026

Kiruthika
W/o Arunkumar,
No.2/109, Perumal Kovil Street,
Kodipallam,
Thiruvallur.

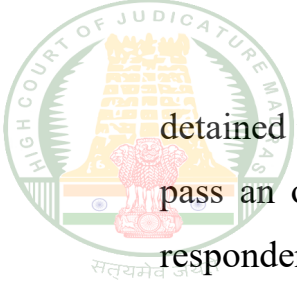
..Petitioner(s)

Vs

1. The Secretary to the Government
Home Prohibition and Excise Department,
Chennai - 600009.
2. The Commissioner of Police
Greater Chennai, Vepery, Chennai.
3. The Superintendent of Prison
Central Prison - II, Puzhal, Chennai.
4. The Inspector Of Police
M-1, Madhavaram Police Station,
Chennai.

..Respondent(s)

Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a WRIT OF HABEAS CORPUS or any other appropriate writ, order or direction, directing the respondents to call for the records and produce the detenue Arun Kumar, male Aged 37 years, S/o Jayapaul, who is



detained in Central Prison II, Puzhal, Chennai before this Honourable Court and pass an order to call for the records of detained order passed by the second respondent in No.686/BBCDEFGISSSV/2025, dated 12.09.2025 against petitioners husband Arunkumar, male aged 37 years s/o Jayapaul and set aside the same and set the detenue at liberty.

For Petitioner(s): R.Rafi Babu

For Respondent(s): Mr. C.R. Malarvannan. Counsel For
Government Of Tamil Nadu (criminal
Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The wife of detenu – Arunkumar, S/o.Jayapaul, aged 37 years, has filed this petition challenging detention order dated 12.09.2025 branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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

3. Both learned counsel accede to the position that this Court has considered the case of co-detenus in HCP No.396 of 2025 vide order dated 04.06.2026 and quashed the orders of detention in the case of the co-detenus. The relevant portion of order dated 04.06.2026 reads as follows:



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8. *We have heard learned counsel for the petitioners and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side) for the respondents.*

9. *The main case of the petitioners is that none of the petitioners have filed bail applications and hence the subjective satisfaction of the detaining authority that they may be enlarged on bail is incorrect. That apart, they also questioned his statement that evidences obtained for their being enlarged on bail.*

10. *We have perused the impugned orders of detention and find that the detaining authority has categorically premised his subjective satisfaction on the statement of the sponsoring authority that the relatives of the detenus are taking steps to enlarge them on bail. This subjective satisfaction is based on a statement avowedly recorded from the relatives which is placed in the booklet. However, on a perusal of the statement, we find that, it is not signed by the person to whom it is attributed. In such circumstances, the statement itself becomes questionable.*

11. *We have, in fact, taken a similar view in our order dated 03.03.2026 in HCP Nos. 2129, 2179 and 2340 of 2025 and the relevant paragraphs are extracted below:*

8. *On the first question whether bail applications have been filed at all, we have perused the booklets that contain the avowed statements of M.Pitchaiammal at page 147, Nagomi at page 146 and Mohan at page 148 of the booklet.*

9. *According to the petitioners, there are three flaws in the statements recorded. Firstly, they are unsigned, secondly, they are undated and thirdly, the crime number mentioned therein is incorrect, insofar as the crime number mentioned is 332 of 2025, whereas the crime number in the ground case in all three cases is 378 of 2025.*

10. *Having considered the rival contentions, we agree with the petitioners that the statements relied upon by the respondents do not support their case. Firstly, the statements are indeed unsigned and undated. There is hence absolutely no clarity, much less certainty, as to when they were recorded.*



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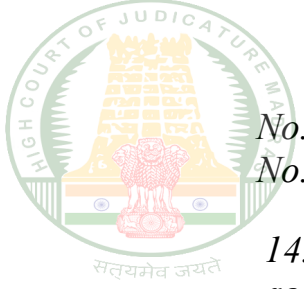
11. The description of the statements on the top of the page refers to Section 180(3) of the BNSS which corresponds to Section 161 of the Criminal Procedure Code, 1973. A statement under Section 161 is recorded in the course of investigation and the provisions of Section 162 stipulate that such a statement is not expected to be signed. That may be so. However, since in the present cases, the respondents seek to draw the benefit of those statements, it is necessary for the statements to have been signed in order to support the conclusion that Pitchaiammal, Nagomi, and Mohan are taking steps to obtain bail in the cases of the respective detenus. In the absence of a signature, these statements cannot be relied upon for this purpose.

12.

13. We hence eschew the statements in toto for the purposes of the present cases. As a sequitur, subjective satisfaction of the Sponsoring Authority that M.Pitchaiammal, Nagomi and Mohan are taking steps to obtain bail, based on the above statements stands vitiated and the argument of the petitioners on this count is accepted.

12. That apart, the detaining authority has referred to the bail order passed in Crl.O.P.No.30749 of 2024 dated 10.12.2024 by this Court. Though the charges are one and the same in the case of that accused and the present detenus, the facts are distinguishable. That was a case of patricide where the father of the accused had been pushed and had been done away with on account of grave and sudden provocation, whereas in the present case those facts do not arise.

13. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Orders all dated 12.09.2025 passed by the second respondent in No.681/BBCDEFGISSSV/2025 (HCP No. 396/2026), No.685/BBCDEFGISSSV/2025 (HCP No.2283/2025), No.688/BBCDEFGISSSV/2025 (HCP No.2221/2025), No.684/BBCDEFGISSSV/2025 (HCP No.206/2026), No.683/BBCDEFGISSSV/2025 (HCP No.33/2026),



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No.682/BBCDEFGISSSV/2025 (HCP No.2252/2025) and No.687/BBCDEFGISSSV/2025 (HCP No.2217/2025) are set aside.

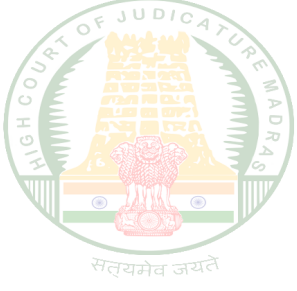
14. The detenus, viz., Praveenkumar @ Chinnakunji, S/o.Sridhar, aged 20 years (HCP No. 396/2026), Jerome, S/o.James, aged 20 years (HCP No.2283/2025), Monish @ Poovarasan, S/o.Mohandoss, aged 24 years (HCP No.2221/2025), Akash, S/o. Lourduraj, aged 18 years (HCP No. 206/2026), Rupesh, S/o.Nagalingam, aged 27 years (HCP No. 33/2026), Prakankumar, S/o.Arokiya Doss, aged 18 years (HCP No. 2252/2025) and Rakesh, S/o. Mohandoss, aged 19 years, (HCP No.2217/2025) now confined in Central Prison, Puzhal, Chennai, are directed to be set at liberty forthwith, unless their presence is required in connection with any other case.

4. In light of the identity in facts and legal position, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.686/BBCDEFGISSSV/2025 dated 12.09.2025 is set aside.

5. The detenu, viz., Arunkumar, S/o. Jayapaul, aged 37 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.)
08-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
SL
Note: Issue today.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

To

1. The Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Fort.St.George, Chennai - 600009.
2. The Commissioner of Police
Greater Chennai, Vepery, Chennai.
3. The Superintendent of Prison
Central Prison - II, Puzhal, Chennai.
4. The Inspector Of Police
M-1, Madhavaram Police Station,
Chennai.
5. The Public Prosecutor, High Court, Madras.
6. The Joint Secretary to the Government
Police (Law & Order),
Fort.St.George, Chennai - 600009

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