



WEB COPY



HCP No. 326 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 326 of 2026

Vijayalakshmi

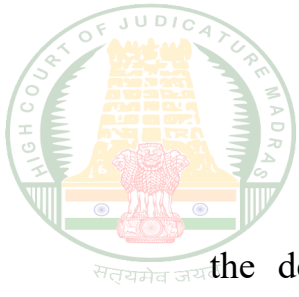
..Petitioner(s)

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
The Greater Chennai City,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying
for issuance of Writ of Habeas Corpus, calling for the records relating to



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the detention order in Memo No. 728/BBCDEFGISSSV/2025 dated 25.09.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's brother Vijay @ Viji @ Poonai Vijay S/o.Babu aged about 30 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s):	Mr.S.Mohan Raj
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 sister of the detenu – Vijay @ Viji @ Poonai Vijay, S/o. Babu, aged 30 years, has filed this petition challenging the detention order dated 25.09.2025, 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 Government of Tamil Nadu (Criminal Side) for the respondents.



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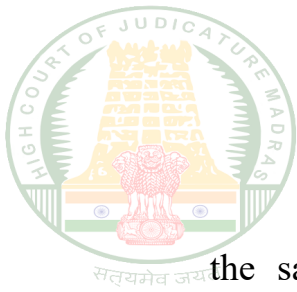
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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu had not filed any bail application and that his relatives are taking steps to take him out on bail.

5. We find from the statement of the relative that it is not signed. We have in HCP No. 1684 of 2025, dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

6. Therefore, the reliance placed on the said statement 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



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the said wrong premise. Hence, the detention order is liable to be quashed.

7. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order No.728/BBCDEFGISSSV/2025, dated 25.09.2025 is set aside.

8. The detenu, viz., Vijay @ Viji @ Poonai Vijay, S/o. Babu, aged about 30 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.)
08-06-2026

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

Issue order copy today.

TSG



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To

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
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2. The Commissioner of Police
The Greater Chennai City,
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3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
R-9, Valasaravakkam Police Station,
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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