



WEB COPY

HCP No. 445 of 2



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. 445 of 2026

S. Ganesan

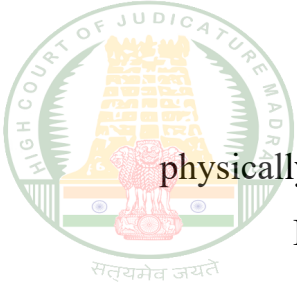
..Petitioner(s)

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,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
M-1, Madhavaram Police Station,
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 in No.818/BBCDEFGISSSV/2025 at 22.10.2025 against the petitioner's son Ari @ Arivazhagan S/o. Ganesan male aged about 25 years the detenu herein now confined in Central Prison, Puzhal, Chennai and to set aside the detention order and direct the respondent to produce and



physically bring the body of the detenu before this Court and set him at Liberty.

For Petitioner(s): Mr.T.I.Ramanathan

WEB COPY For Respondent(s): Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

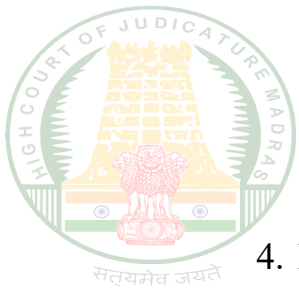
ORDER

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

The father of the detenu – Ari @ Arivazhagan, aged 25 years, has filed this petition challenging the detention order dated 22.10.2025, 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.

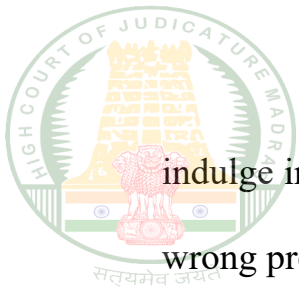
3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.



4. It is seen from the grounds of detention that the detenu is in remand and he had not filed any bail application. However, the detaining authority has relied upon a statement said to have been made by the father of the detenu, under Section 180(3) of the BNSS that he is taking steps to file a bail application.

5. 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.

6. 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. Hence, the detention order is liable to be quashed.

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7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.818/BBCDEFGISSSV/2025 dated 22.10.2025, is set aside.

8. The detenu, viz., Ari @ Arivazhagan, S/o.Ganesan, 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

TSG

Note: Issue order copy today.

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.



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

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4. The Inspector of Police,
M-1, Madhavaram 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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