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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 437 of 2026

S. Saranya
W/o.Sam,
No. 17, Muthugramani Street,
AMT Lorry Service, Periamet, Chennai 600 003.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, 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 Police
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
V4 Rajamangalam Police Station,
Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under article 226 of Constitution of India for issuance of writ of Habeas Corpus to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No. 820/BBCDEFGISSSV/2025 dt. 22.10.2025 and quash the same as illegal and



produce the detenu, namely Sam @ Chinna Sama, S/o.Srinivasan aged 20 as Goonda now he is confined in Central Prison, Puzhal II, Chennai before this Hon'ble Court and set him at liberty and thus render justice

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For Petitioner(s): No appearance

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 the detenu – Sam @ Chinna Sama, S/o. Srinivasan, branded as Goonda and confined in Central Prison, Puzhal, Chennai under detention order dated 22.10.2025 has challenged the order of detention in this HCP.

2. We have heard learned Counsel for Government of Tamil Nadu (Criminal Side).

3. One of the grounds in the detention order dated 22.10.2025 is that the detenu may be enlarged on bail. The subjective satisfaction of the detaining authority is really no subjective satisfaction at all for two reasons. Firstly, the bail application filed by the detenu has been dismissed and admittedly no bail application has been filed thereafter. Despite this, the authority goes on to state that the sponsoring authority has stated that the relatives of the detenu were taking steps to file bail application for which the detaining authority has referred to the statement allegedly recorded from a relative of the detenu under Section



180(3) of the BNSS to the effect that she will make an attempt to file a bail application before the appropriate Court. A copy of the statement has been placed at page No.48 of the booklet.

4. However, we find that the statement is not signed and hence there is nothing to support the satisfaction of the detaining authority that there are efforts on-going to secure bail for the detenu. If at all the authority wishes to rely on the statement, such statement would necessarily have to be signed by the relative to support the apprehension of the authority.

5. 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.

11. The description of the statements on the top of the page refers to Section 180(3) of the BNSS which corresponds to



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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.*

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.820/BBCDEFGISSSV/2025, dated 22.10.2025, is set aside.

7. The detenu, viz., Sam @ Chinna Sama, S/o. Srinivasan, aged 20 years, 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.)
12-06-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
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 Police
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
V4 Rajamangalam Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George,
Chennai – 9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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