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H.C.P.No.1684 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1684 of 2025

Babu, M/A, 57
S/o. Annamalai,
No.49/24, Kannagi Street,
Avvai Nagar, Choolaimedu,
Chennai – 94.

.. Petitioner

VS

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
O/o the Commissioner of Police,
Greater Chennai, Chennai - 600 007.

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

4.State Rep. by
The Inspector of Police,
W-7 All Women Police Station,
Anna Nagar, Chennai.

.. Respondents



H.C.P.No.1684 of 2025

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records relating to the detention order passed by the 2nd respondent in No.530/BBCDEFGISSSV/2025 dated 02.08.2025 against petitioner's brother branding him as "Sexual Offender" and quash the same and direct the respondent to produce petitioner's brother Sundarraaj S/o. Annamalai, aged about 52 years, now confined at Central Prison, Puzhal II, Chennai, before this Court and set him at liberty.

For Petitioner : Ms.N.Dimple Sharma
for Mr.A.Nirmal Kumar Sharma

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER
(Made by SUNDER MOHAN, J.)

The brother of detenu has filed this petition seeking to quash detention order dated 02.08.2025, who has been labelled as "Sexual Offender" under section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short 'Act').

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. Though several grounds have been raised by the learned counsel for petitioner, we are of the view that the impugned order is liable to be set aside on the sole ground that the subjective satisfaction of the detaining authority as regard the possibility of the detenu coming out on bail suffers from non-application of mind.



H.C.P.No.1684 of 2025

4. The detenu was arrested in connection with Cr.No.25 of 2025

for the offences under Sections 7 and 8, 11(i), 11(iv) r/w 12 of the POCSO Act, 2012. Admittedly, he had not filed any bail application. The detaining authority's conclusion that the detenu is likely to file bail application is based on the special report of the sponsoring authority which in turn relies on an unsigned statement said to have been made by the petitioner, who is the brother of the detenu. In HCP.No.1684 of 2025, we have held that though the statement is purported to have been recorded under Section 180(3) of BNSS and a Section 180(3) BNSS statement need not be signed, the said statement cannot be the basis for arriving at such a conclusion as the statement was not recorded during the course of the investigation. The sponsoring authority ought to have obtained a signed statement from the relative of the detenu to satisfy the detaining authority regarding the real possibility of the detenue coming out on bail. Since there is no signed statement of a relative informing that the detenu is taking steps to file bail application, the satisfaction arrived at by the detaining authority is without any basis. Hence, the detention order is liable to be set aside.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.530/BBCDEFGISSSV/2025, dated 02.08.2025 is set aside.



H.C.P.No.1684 of 2025

6. The detenu, viz., Sundarraaj, S/o. Annamalai, aged 52 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.]
01.04.2026

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes

vs

Note : Issue 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,
O/o the Commissioner of Police,
Greater Chennai, Chennai - 600 007.

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

4.The Inspector of Police,
W-7 All Women Police Station,
Anna Nagar, 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.

vs

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