



HCP No. 1880 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1880 of 2025

S.Esakkimuthu

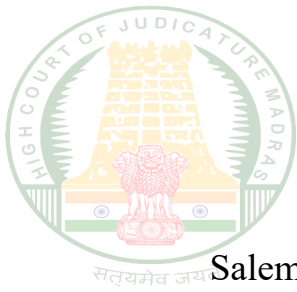
..Petitioner(s)

Vs

1. The Secretary to Government
Home Department,
Secretariat, Fort St George,
Chennai-600 009.
2. The Commissioner Of Police,
Salem City,
Linemedu, Salem-636006.
3. The Superintendent Of Prison,
Salem.
4. The Inspector of Police
Hasthampatty Police Station,
Salem District-636007.

..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 the detention order in C.M.P.No.42/GOONDA/SALEM CITY/2025 dated 14.08.2025 passed by the 2nd respondent- Commissioner of Police



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Salem City, under The Tamil Nadu Act 14 of 1982, quash the same as illegal, arbitrary and unconstitutional and consequently direct the respondents to produce the petitioner's son Santhosh aged 22 years S/o Esakimuthu, now confined at Central Prison, Salem before this Court.

For Petitioner(s): Mr.S.Lal Devasagayam

For Respondent(s): Mr. R.Muniyapparaj,
Additional Public Prosecutor,
Assisted By
Mr. M.Sylvester John

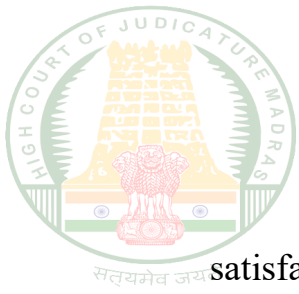
ORDER

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

The father of the detenu - Santhosh, aged 22 years, S/o.Esakkimuthu, has filed this petition challenging the detention order dated 14.08.2025, 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 Additional Public Prosecutor for 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



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satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. The detaining authority has relied upon a statement said to have been made by the relative of the detenu under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the statement of the said relative is neither dated nor signed. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. 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. The inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.



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6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.42/Goonda/Salem City/2025 dated 14.08.2025 is set aside.

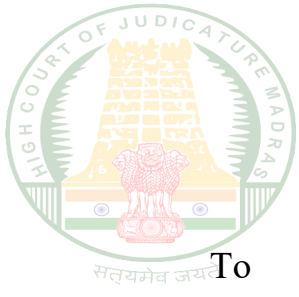
7. The detenu, viz., Santhosh, aged 22 years, S/o.Esakkimuthu, who is now confined in Central Prison, Salem, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
27-04-2026

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

Note: Issue order today.

ars



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To
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1. The Secretary To Government,
Home Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The Commissioner Of Police,
Salem City,
Linemedu,
Salem - 636 006.
3. The Superintendent Of Prison,
Central Prison,
Salem.
4. The Inspector Of Police,
Hasthampatty Police Station,
Salem District - 636 007.
5. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

ars

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