



WEB COPY



HCP No. 1888 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1888 of 2025

Kanchana

..Petitioner(s)

Vs

1. The Additional Chief Secretary To
Government,
Home, Prohibition and Excise Department,
Secretariat, St.George Fort,
Chennai - 600 009.
2. The Commissioner Of Police,
Greater, Chennai,
Chennai.
3. The Superintendent Of Prison,
Central Prison Puzhal-II,
Chennai - 600 066.
4. The Inspector Of Police,
N-4, Fishing Harbour 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 the detention order BBCDEFGISSSV 619/2025 dated 28.08.2025, passed



HCP No. 1888 of 2025

by the 2nd respondent and quash the same and to produce the petitioners Son Mr.Ruban @ MLA Ruban, S/o.Elangovan aged about 20 years, the detenu now confined in Central Prison, Puzhal-II, Chennai before this Honble Court and set the petitioners Son Mr.Ruban @ MLA Ruban, S/o.Elangovan aged about 20 years the detenu herein at liberty.

For Petitioner: Mr.D.Sugmar

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

ORDER

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

The mother of the detenu – Ruban @ MLA Ruban, S/o.Ilangovan aged about 20 years, has filed this petition challenging the detention order dated 28.08.2025, 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 satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.



HCP No. 1888 of 2025

4. The detaining authority has relied upon a statement said to have been made by the mother 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 mother of the detenu is unsigned. 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. 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.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.619/BBCDEFGISSSV/2025 dated 28.08.2025 is set aside.



HCP No. 1888 of 2025

7. The detenu, viz., Ruban @ MLA Ruban, S/o.Ilangovan aged about 20 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.)
28-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dk
Note: Issue Order Today.

To

1. The Additional Chief Secretary To
Government,
Home, Prohibition and Excise Department,
Secretariat,
St.George Fort,
Chennai-600 009.
2. The Commissioner Of Police,
Greater, Chennai,
Chennai.
3. The Superintendent Of Prison,
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HCP No. 1888 of 2025

WEB COPY

5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.

6. The Public Prosecutor
High Court of Madras.



WEB COPY



HCP No. 1888 of 2025

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

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HCP No. 1888 of 2025

28-04-2026

Page 6 of 6