



WEB COPY

HCP No. 2326 of 2



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. 2326 of 2025

Subha
W/o.Desappan,
No.12, Indra Nagar,
Housing Board,
Athipallam, Kasimedu,
Chennai.

...Petitioner/Aunt of the
detenue

Vs

1. State of Tamil Nadu represented By
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. State Rep by
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 of the 2nd Respondent pertaining to the order made in Memo No.616/BBCDEFGISSSV/2025, Dated 28.08.2025 in detaining the detenu under the TamilNadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce the detenu, namely Arun Kumar Alias Kulla Arun Son of Viji, aged 23 years who is detained at the Central Prison Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr. S.Karthick

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 aunt of the detenu – Arun Kumar Alias Kulla Arun, S/o Viji, aged 23 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.

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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 relative 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. Therefore 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.616/BBCDEFGISSV/2025 dated 28.08.2025 is set aside.



7. The detenu, viz., Arun Kumar Alias Kulla Arun, S/o Viji, aged 23 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 Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
6. The Public Prosecutor
High Court of Madras.



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

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