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H.C.P.Nos.2050, 2325, 2270 & 2256 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM :

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

H.C.P.Nos.2050, 2325, 2270 & 2256 of 2025

HCP No. 2050 of 2025

Sagunthala F/45,
W/o. Nathan,
No.11/2. Balasuvaarankandigai,
Puthukumudipoondi, Thiruvallur,
Thiruvallur District – 02.

.. Petitioner

VS

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Thiruvallur District.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvallur District.
- 4.The Superintendent of Prison,
Central Prison Puzhal II, Chennai District.
- 5.The Inspector of Police,
Arambakkam Circle Police Station,
Thiruvallur District.

.. Respondents



H.C.P.Nos.2050, 2325, 2270 & 2256 of 2025

Prayer in HCP No. 2050 of 2025: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the entire records connected with the detention order in No.31/2025 dated 30.08.2025 on the file of the 2nd respondent and quash the same and direct the respondents to produce the petitioner's son named Manikandan @ Bonda Mani, S/o. Nathan, aged about 35 years, now confined at Central Prison, Puzhal, before this Court and set him at liberty forthwith.

HCP No. 2325 of 2025

Saroja, F/45,
W/o. Arumugam,
No.1/142, Pillaiyar Kovil Street,
Kattu Appavaranm, Gumudipoondi Taluk,
Thiruvallur District – 02.

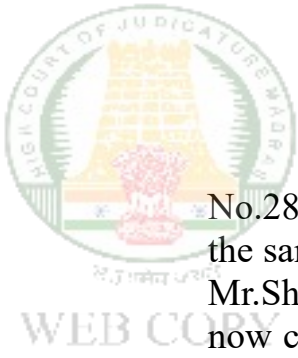
.. Petitioner

VS

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvallur District.
- 4.The Superintendent of Prison,
Central Prison Puzhal II, Chennai District.
- 5.The Inspector of Police,
Arambakkam Circle Police Station,
Thiruvallur District.

.. Respondents

Prayer in HCP No. 2325 of 2025: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the entire records connected with the detention order in



H.C.P.Nos.2050, 2325, 2270 & 2256 of 2025

No.28/2025 dated 30.08.2025 on the file of the 2nd respondent and quash the same and direct the respondents to produce the petitioner's son named Mr.Shankar @ Sharp Shankar, S/o. Arumugam, aged about 23 years, now confined at Central Prison II, Puzhal, Chennai before this Court and set him at liberty forthwith.

HCP No. 2270 of 2025

Valliyammal, F/45,
W/o. Vijayan,
No.5, Chelliyamman Kovil Street,
F-1, Arambakkam, Thiruvallur,
Thiruvallur District – 02.

.. Petitioner

VS

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvallur District.
- 4.The Superintendent of Prison,
Central Prison Puzhal II, Chennai District.
- 5.The Inspector of Police,
Arambakkam Circle Police Station,
Thiruvallur District.

.. Respondents

Prayer in HCP No. 2270 of 2025: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the entire records connected with the detention order in No.29/2025 dated 30.08.2025 on the file of the 2nd respondent and quash the same and direct the respondents to produce the petitioner's son named Karthick, S/o. Vijayan, aged about 21 years, now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty forthwith.



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HCP No. 2256 of 2025

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Uma, F/45,
W/o. Kuppan,
No.82, Mariamman Koil Street,
Kaatu Appavaram, Gumudipoondin Taluk,
Thiruvallur District – 02.

.. Petitioner

VS

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvallur District.
- 4.The Superintendent of Prison,
Central Prison Puzhal II, Chennai District.
- 5.The Inspector of Police,
Arambakkam Circle Police Station,
Thiruvallur District.

.. Respondents

Prayer in HCP No. 2256 of 2025: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the entire records connected with the detention order in No.30/2025 dated 30.08.2025 on the file of the 2nd respondent and quash the same and direct the respondents to produce the petitioner's son named Manikandan @ Pottu Mani, S/o. Kuppan, aged about 27 years, now confined at Central Prison - II, Puzhal, Chennai before this Court and set him at liberty forthwith.



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(In all)

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For Petitioner : Mr.M.Mohamed Saifulla
for Mr.P.Muthamizhselvakumar

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

COMMON ORDER

(Made by Dr. ANITA SUMANTH, J.)

This order disposes four habeas corpus petitions filed by relatives of co-accused in Crime No.121 of 2025, all charged for offences under Sections 191(2), 191(3), 103 and 61(2) of Bharatiya Nyaya Sanhita, 2023.

2. Mr.Mohamed Saifulla, who appears for all the petitioners would assail the order on various grounds. He would argue that the arrest intimation has not been supplied to the detenus in a language known to them, the case of bail relied upon by the detaining authority has been passed in a different facts and circumstances and in any event, there is no possibility of the detenus being enlarged on bail as they have not moved any bail applications.

3. Mr.Muniyapparaj, learned Additional Public Prosecutor, would vehemently defend the detention orders pointing out that they are all charged for the offences of murder under Section 103 of BNS, 2023.



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4. Having heard both learned counsel we are of the considered view that the detenus must succeed. The grounds that appeal to us are two fold. Firstly, the detenus, as pointed out, have not been given copies of the arrest intimation placed at pages 15 – 19 at the paper book in a language known to them.

5. On a perusal of the documents as aforesaid we find that they are substantially in English whereas, according to the learned counsel for petitioner, the detenus are largely illiterate and not conversant in English. Hence, taking a cue from the judgment of the Supreme Court in the *Powanammal v State of Tamil Nadu* [(1999) 2 SCC 413], since they have not been supplied the documents in a language known to them, which makes it difficult for them to put forth their defence, this ground enures in their favor.

6. The relevant observations in *Powanammal* (supra) are extracted below:-

*“8.The law relating to preventive detention has been crystallized and the principles are well neigh settled. The amplitude of the safeguard embodied in Art.22(5) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenue but also to supplying their translation in script or language which is understandable to the detenue. Failure to do so would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making a representation against the order. (See *Hadibandhu Das v. District Magistrate, Cuttack & Anr.*, [1969] 1 SCR 227).*



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9. However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.”

7. The second ground is that, there is, as rightly pointed by learned counsel for petitioners, no chance of the detenus being enlarged on bail seeing as they have admittedly not moved any bail application. There is not even an averment to this effect by the detaining authority in the impugned order. Hence, for him to say that there is a ‘real possibility’ of detenus being enlarged on bail, is only ipse dixit and has no real basis whatsoever.

8. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Order passed by the second respondent in Nos.31, 28, 29 & 30/2025 dated 30.08.2025 are set aside.

9. The detenus, viz., Manikandan @ Bonda Mani, S/o. Nathan, aged 35 years (HCP No.2050 of 2025), Shankar @ Sharp Shankar,



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S/o. Arumugam, aged 25 years (HCP No.2325/25), Karthick,

S/o. Vijayan, aged 21 years (HCP No. 2270/25), Manikandan @ Pottu

Mani, S/o. Kuppan, aged 27 years (HCP No. 2256/25) who are now

confined in Central Prison, Puzhal, Chennai, are hereby directed to be set

at liberty forthwith unless their presence is required in connection with

any other case.

[A.S.M, J.] [S.M, J.]

16.04.2026

Index: Yes/No

Neutral Citation: Yes

ssm

Note : Issue Today

To

1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai-600 009.

2.The District Magistrate and District Collector,
Thiruvallur District.

3.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvallur District.

4.The Superintendent of Prison,
Central Prison Puzhal II, Chennai District.

5.The Inspector of Police,
Arambakkam Circle Police Station,
Thiruvallur District.

6.The Joint Secretary,
Law and Order Department,

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Secretariat, Chennai

7.The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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