



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2047 of 2025

Habeeb Naina
S/o.Himayathullah Khan,
No.4/89, East Street,
Chitharkottai,
Ramanathapuram Taluk and District.
Now confined at
Central Prison, Vellore.

..Petitioner(s)

Vs

1. The Secretary To The Government,
Home Prohibition And Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector And District Magistrate Of
Kancheepuram District, Kancheepuram.
3. The Superintendent Of Police,
Kancheepuram District, Kancheepuram.
4. The Superintendent Of Prison,
Central Prison, Vellore.
5. The Inspector Of Police,
Cyber Crime Police Station,
Kancheepuram District.

..Respondent(s)



Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other Writ or Order in the nature of Writ call for the records in connection with the order of Detention passed by the second respondent dated 24.09.2025 in Rc.No.797/2025/M6.D.O.No.35/2025 Petitioner/Detenu Habeeb Naina, Male aged 41 years, S/o.Himayathullah Khan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Honble Court and set him at liberty.

For Petitioner(s): Mr.P.Raman

For Respondent(s): Mr. C.R.Malarvannan, Counsel For
Government Of Tamil Nadu (criminal
Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The detenu – Habeeb Naina, S/o.Himayathullah Khan, branded as Cyber Law Offender and confined in Central Prison, Vellore under detention order dated 24.09.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.P.Raman, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal side) for the respondents.



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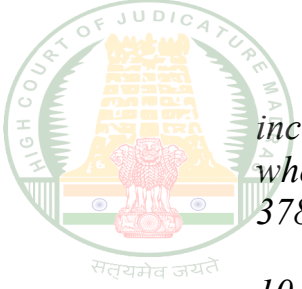
3. One of the grounds in the detention order dated 24.09.2025 is that the detenu may be enlarged on bail. The detaining authority referred to the statement allegedly recorded from the petitioner under Section 180(3) of the BNSS to the effect that they have not filed bail petition at that time, but in due course of time, she will make an attempt to file a bail application before the appropriate Court. A copy of the statement has been placed at page No.245 of the booklet.

4. However, we find that the crime number has not been mentioned in the statement. Further the statement has not been signed. Hence there is nothing to support the satisfaction of the detaining authority that there are efforts on-going to secure bail for the detenu. If at all the authority wishes to rely on the statement, such statement would necessarily have to be signed by the relative to support the apprehension of the authority.

5. We have, in fact, taken a similar view in our order dated 03.03.2026 in HCP Nos. 2129, 2179 and 2340 of 2025 and the relevant paragraphs are extracted below:

8. On the first question whether bail applications have been filed at all, we have perused the booklets that contain the avowed statements of M.Pitchaiammal at page 147, Nagomi at page 146 and Mohan at page 148 of the booklet.

9. According to the petitioners, there are three flaws in the statements recorded. Firstly, they are unsigned, secondly, they are undated and thirdly, the crime number mentioned therein is



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incorrect, insofar as the crime number mentioned is 332 of 2025, whereas the crime number in the ground case in all three cases is 378 of 2025.

10. Having considered the rival contentions, we agree with the petitioners that the statements relied upon by the respondents do not support their case. Firstly, the statements are indeed unsigned and undated. There is hence absolutely no clarity, much less certainty, as to when they were recorded.

11. The description of the statements on the top of the page refers to Section 180(3) of the BNSS which corresponds to Section 161 of the Criminal Procedure Code, 1973. A statement under Section 161 is recorded in the course of investigation and the provisions of Section 162 stipulate that such a statement is not expected to be signed. That may be so. However, since in the present cases, the respondents seek to draw the benefit of those statements, it is necessary for the statements to have been signed in order to support the conclusion that Pitchaiammal, Nagomi, and Mohan are taking steps to obtain bail in the cases of the respective detenues. In the absence of a signature, these statements cannot be relied upon for this purpose.

12.

13. We hence eschew the statements in toto for the purposes of the present cases. As a sequitur, subjective satisfaction of the Sponsoring Authority that M.Pitchaiammal, Nagomi and Mohan are taking steps to obtain bail, based on the above statements stands vitiated and the argument of the petitioners on this count is accepted.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Rc.No.797/2025/M6 D.No.35/2025, dated 24.09.2025, is set aside.



7. The detenu, viz., Habeeb Naina, S/o. Himayathullah Khan, aged 41 years, confined in Central Prison, Vellore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

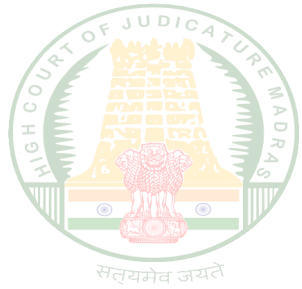
(A.S.M.,J.) (S.M.,J.)
17-06-2026

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

Note to Registry: Issue Today

To

1. The Secretary To The Government,
Home Prohibition And Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector And District Magistrate Of
Kancheepuram District, Kancheepuram.
3. The Superintendent Of Police,
Kancheepuram District, Kancheepuram.
4. The Superintendent Of Prison,
Central Prison, Vellore.
5. The Inspector Of Police,
Cyber Crime Police Station,
Kancheepuram District.
6. The Public Prosecutor, High Court, Madras.
7. The Joint Secretary to Government Public (Law and Order), Secretariat,
Fort St.George, Chennai – 9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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