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H.C.P.No.2063 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.No.2063 of 2025

Rani F/A 60,
W/o. Chandrakumar,
No.40/27, 1st Floor, Thiruvalluvar Salai,
Anna Nagar, Taramani,
Chennai – 600 113.

.. Petitioner

VS

1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Police
Greater Chennai Police Commissioner,
Vepery, Chennai - 07.

3.The Superintendent,
Central Prison, Puzhal, Chennai – 66.

4.The Inspector of Police,
E3, Teynampet Police Station,
Chennai.

.. Respondents

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 Memo No.552/BBCDEFGISSSV/2025 dated 08.08.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of



H.C.P.No.2063 of 2025

1982 and set aside the same and direct the respondents to produce the petitioner's son Rahul @ Vellai Rahul, S/o. Chandrakumar, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Rahul @ Vellai Rahul, S/o. Chandrakumar, aged 31 years the detenu herein at liberty.

For Petitioner : Mr.N.Naresh

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

ORDER
(Made by SUNDER MOHAN, J.)

The mother of the detenu (Rahul @ Vellai Rahul) has filed this habeas corpus petition challenging detention order dated 08.08.2025 branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (in short, 'Act').

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

3. In the grounds of detention the detaining authority has observed that the detenu had not filed any bail application in the ground case. He had relied upon the statement of the petitioner / mother, said to have been recorded by the sponsoring authority to infer that she is taking steps to file bail application for his release. However, we find that the said statement has not been signed by the petitioner.



H.C.P.No.2063 of 2025

4. In HCP.No.1684 of 2025, we have held that though the statement is purported to have been recorded under Section 180(3) of BNSS and a Section 180(3) BNSS statement need not be signed, the said statement cannot be the basis for arriving at such a conclusion as the statement was not recorded during the course of the investigation. The sponsoring authority ought to have obtained a signed statement from the relative of the detenu to satisfy the detaining authority regarding the real possibility of the detenu coming out on bail. Since the said statement cannot be the basis, we are of the view, that the inference arrived at by the detaining authority that the relatives are taking steps to file bail application on behalf of the detenu is vitiated and consequently, the detention order is liable to be set aside.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.552/BBCDEFGISSSV/2025, dated 08.08.2025 is set aside.

6. The detenu, viz., Rahul @ Vellai Rahul, S/o. Chandrakumar, aged 31 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.]
16.04.2026

Neutral Citation: Yes/No



H.C.P.No.2063 of 2025

ssm

Note : Issue Today

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To

- 1.The Additional Chief Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police
Greater Chennai Police Commissioner,
Vepery, Chennai - 07.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai – 66.
- 4.The Inspector of Police,
E3, Teynampet Police Station,
Chennai.
- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 6.The Public Prosecutor,
High Court, Madras.



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H.C.P.No.2063 of 2025

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

ssm

H.C.P.No. 2063 of 2025

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