



WEB COPY



HCP No. 2081 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. 2081 of 2025

Suresh

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep by its The Principal Secretary to the
Government, Home, Prohibition and Excise
Department, Secretariat, Chennai – 09.
2. The Commissioner of Police Greater Chennai,
Greater Chennai, Goondas Section,
O/o.The Commissioner of Police,
Vepery, Chennai – 07.
3. The Superintendent of Prison
Puzhal Central Prison,
Chennai – 66.
4. The Inspector of Police
T-5, Vanagarm Police Station,
Chennai.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, to call for the records of the detention order dated 09.09.2025 in Memo No.654/BBCDEFGISSSV/2025 on the file of the 2nd respondent herein



HCP No. 2081 of 2025

and set aside the same and direct the respondents to produce the friend of the petitioner Thiru. Savairam S/o.Pumaram, aged about 22 years, now confined at Central Prison, Puzhal, before this Court and set the detenu at liberty forthwith.

For Petitioner(s):	Mr.S. Madhusudanan
For Respondent(s):	Mr. R.Muniyapparaj, Additional Public Prosecutor, Assisted By Mr. M.Sylvester John

ORDER

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

The friend of the detenu – Savairam S/o.Pumaram, aged 22 years, has filed this petition challenging the detention order dated 09.09.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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



HCP No. 2081 of 2025

satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu had moved a bail application before the Principal District and Sessions Judge, Thiruvallur in CrI.M.P.No.3483 of 2025 and the same came to be dismissed. He had further observed that the sponsoring authority had stated that his relatives are taking steps to take him out on bail.

5. We find from the statement of a relative that it is not signed. We have in HCP No. 1684 of 2025, dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

6. 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



HCP No. 2081 of 2025

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.

7.In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order Memo No.654/BBCDEFGISSSV/2025, dated 09.09.2025 is set aside.

8.The detenu, viz., Savairam S/o.Pumaram, aged 22 years, now confined in Central Prison, Puzhal, Chennai, 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.)
28-04-2026

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

Note: Issue Order Today

TSG



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Chennai – 66.
4. The Inspector of Police
T-5, Vanagarm Police Station,
Chennai.
5. The Public Prosecutor,
Madras High Court.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St. George, Chennai – 9.



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HCP No. 2081 of 2025

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

TSG

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Page 6 of 6