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H.C.P.No.2057 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.2057 of 2025

Jowfar Nisha, F/34 years,
W/o. Mohammed Sharif,
No.35/1, Krishnan Kovil Street,
Mannadi, Chennai – 600 001.

.. Petitioner

VS

1.The State
Rep. by its Secretary to Govt. of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

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

3.The Inspector of Police,
B1, North Beach Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison, Puzhal.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in relating to the order of detention passed by the 2nd respondent dated 11.08.2025 in BCDEFGISSSV No.556/2025 against the petitioner's husband Mohammed Sharif, the detenu, male, aged about 45 years, son of Mohammed ali, who is confined at Central Prison, Puzhal, and set aside



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the same and direct the respondents to produce the detenu before this Court and set him at liberty.

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For Petitioner : Mr.V.Vasanth

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

ORDER

(Made by SUNDER MOHAN, J.)

The wife of detenu (Mohammed Sharif) has challenged the detention order dated 11.08.2025 passed against him branding as 'Goonda' under Section 2(f) of the Tamil Nadu Act 14 of 1982.

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

3. Though several grounds have been raised by learned counsel for the petitioner, we are of the view that it would suffice to advert to the ground relating to the non-application of mind as regards the real possibility of detenu coming out on bail and indulge in further criminal activities. The detenu in this case has been charged for the offence under Section 296 (b), 115(2), 118(1), 109(1), 132, 352(3) of Bharatiya Nyaya Sanhita, 2023 and the detaining authority had relied upon the order passed in CrI.MP No. 26094 of 2024 dated 19.09.2024 to infer that the detenu is likely to be released on bail.



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4. We find from the aforesaid order that the accused therein was charged for the offence under Section 191(2), 191(3), 126(2), 296(b), 109(1) and 351(3) of BNS. The provisions of law are different in the two cases and the detaining authority ought not to have relied upon the said order. Further, we find that the detenu has four adverse cases whereas the accused in the case relied upon by the detaining authority had only one previous case. Therefore, we are of view that the satisfaction with regard to the possibility of detenu coming on bail and the need to detain the detenu is vitiated and, therefore, the impugned 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.556/BBCDEFGISSV/2025, dated 11.08.2025 is set aside.

6. The detenu, viz., Mohammed Sharif, S/o. Mohammed Ali, aged 45 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

Index:Yes/No
Neutral Citation:Yes/No
ssm



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Note : Issue Today

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To

- 1.The Secretary to Govt. of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police
Greater Chennai, Chennai - 07.
- 3.The Inspector of Police,
B1, North Beach Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison, Puzhal.
- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 6.The Public Prosecutor,
High Court, Madras.



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

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