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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. 2071 of 2025

Selvi

W/o.Mariyappan,

No. 5/273, Jahir Hussain Street,

Annai Indira Ninaivu Nagar,

Attanthangal, Chennai 600 052.

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai 600 009.
2. The Commissioner of Police
Avadi Police Commissionarate,
Thiruvallur District.
3. The Superintendent of Prison,
Central Prison, Chennai District.
4. The Inspector of Police
E-5 Sholvaram Police Station,
Thiruvallur 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 appropriate Writ, or order, or direction, in the nature of the writ, to call for the records pertaining to the order of detention passed in Memo No.117/TNPD/APC/2025 dated on 02.08.2025 passed by the 2nd respondent and set aside the same and directing the



respondents to produce the petitioner's son by namely Thiru. Sathish @ Loosu Sathish, son of Mariyappan, Male, aged about 25 years before this Court now confined in Central Prison, Puzhal, Chennai, and set him at liberty.

For Petitioner(s): No Appearance

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

ORDER

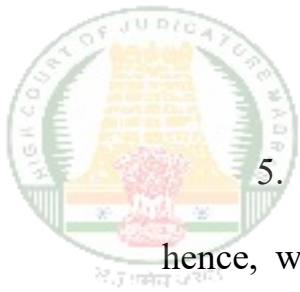
(Order of the Court was made by Dr.Anita Sumanth J.)

The mother of the detenu – Sathish alias Loosu Sathish, S/o. Mariyappan, branded as Goonda and confined in Central Prison, Puzhal, Chennai under detention order dated 02.08.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents and there is no appearance for the petitioner.

3. While several grounds have been taken by the petitioner, what she stresses on before us is that there is no basis for the apprehension of the detaining authority that the detenu would be enlarged on bail.

4. The grounds of detention are silent as what the basis of his subjective satisfaction is. The booklet furnished to the detenu and placed before us contains, at page 114, an unsigned statement recorded under Section 180(3) of the Bharatiya Nyaya Sanhita, 2023 from the mother of the detenu indicating that a bail application would be moved.



5. That statement has absolutely no credibility, as it is unsigned and hence, we eschew the same. If at all the authority wishes to rely on the statement, such statement would necessarily have to be signed by the said person to support the apprehension of the authority. In such circumstances, the statement of the detaining authority that it is very likely that he would come out on bail has absolutely no basis.

6. In the absence of any material whatsoever to support the subjective satisfaction of the detaining authority that the detenu is likely to be released on bail, the order of detention stands vitiated.

7. 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 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



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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 detenus. 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.*

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.117/TNPD/APC/2025 dated 02.08.2025 is set aside.

9. The detenu, viz., Sathish @ Loosu Sathish, S/o. Mariyappan, male aged 25 years, who is 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

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note: Issue today.



To

1. The State of Tamilnadu
Rep.by its Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai 600 009.
2. The Commissioner of Police
Avadi Police Commissionarate,
Thiruvallur District.
3. The Superintendent of Prison
Central Prison,
Chennai District.
4. The Inspector of Police
E-5 Sholvaram Police Station,
Thiruvallur District.
5. The Public Prosecutor (Puducherry),
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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HCP No. 2071 of 2



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

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