



WEB COPY



HCP No. 2088 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2088 of 2025

Suriya

..Petitioner(s)

Vs

1. The Secretary to the Government
Government of Tamilnadu,
(Home) Prohibition and Excise Dept,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Office of the Commissioner of Police
(Goondas Section)
Avadi, Chennai - 600 054.
3. The Inspector of Police (Law and Order)
M-6, Manali Police Station,
Chennai.
4. The Superintendent
Central Prison, Puzhal,
Chennai.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the order of the 2nd respondent herein in Memo No.140/TNPD/APC/2025 dated 23.09.2025 passed against the



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petitioner's brother the detenu namely Mathivanan S/o. Sundararajan, aged about 34 years. who is confined at Central Prison, Puzhal, Chennai and set aside the same, consequently directing the respondents herein to produce the body or person of the detenu before this Court and set him at liberty forthwith.

For Petitioner(s): Mr.D.Magesh

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 sister of the detenu – Mathivanan S/o. Sundararajan, aged 34 years, has filed this petition challenging the detention order dated 23.09.2025, 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.



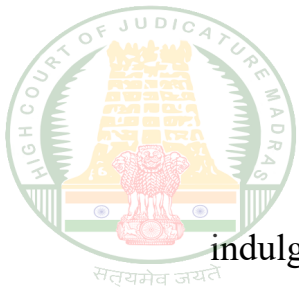
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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu had filed applications for bail before the Sessions Court and the High Court and both the applications were dismissed. He had further observed that the sponsoring authority had stated that his sister is taking steps to take him out on bail.

5. We find from the statement of the petitioner's sister that it is neither signed nor dated. 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



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indulge in further criminal activities after his release on bail is based on the said erroneous 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.140/TNPD/APC/2025, dated 23.09.2025 is set aside.

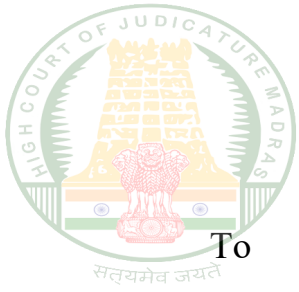
8. The detenu, viz., Mathivanan S/o. Sundararajan, aged about 34 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
29-04-2026

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

TSG

Note: Issue order today.



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To

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4. The Superintendent
Central Prison, Puzhal,
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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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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