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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2129, 2179 and 2340 of 2025

HCP.No.2129 of 2025

Vaitheeshwari
W/o.Ayyanar @ Selvam,
Door No.86/12K, Annaiappan Street,
Nallampalayam, Ganapathy,
Coimbatore District.

..Petitioner(s)

Vs

1. State of Tamil Nadu
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police/Detaining
Authority,
City Police Officer,
Huzur Road,
Coimbatore city,
Coimbatore-18.
3. The Superintendent of Prison
Central Prison,
Coimbatore,
Coimbatore District.



4. The Inspector of Police
E3, Saravanampatty Police Station,
Coimbatore District

..Respondent(s)

HCP No. 2179 of 2025

Nagomi
W/o.Senthilkumar,
No. 34, Annaiappan Street,
Nallampalayam,
Ganapathy,
Coimbatore District.

..Petitioner(s)

Vs

1. The Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. Commissioner of Police/Detaining Authority,
Coimbatore,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore District.
4. State Rep. by
The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.

..Respondent(s)



HCP No. 2340 of 2025

Mohan,
S/o.Kumarasamy,
No.144-A, N.G.R. Street,
Rotti Kadai Veethi, Pappanayakanpalayam,
Coimbatore

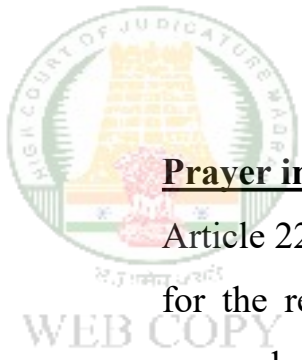
..Petitioner(s)

Vs

1. State of Tamilnadu,
Rep by its the Principal Secretary to Government,
Govt. of Tamilnadu, Home, Prohibition and
Excise Department, Chennai-9.
2. The Commissioner of police,
Coimbatore City,
Coimbatore.
3. The Superintendent of Prison,
Central Prison,
Coimbatore.
4. The Inspector of Police,
Saravanampatti Police Station,
Coimbatore city.

..Respondent(s)

Prayer in HCP.No.2129 of 2025:- Habeas Corpus Petition filed under Article 226 of Constitution of India for issuance of a writ order or direction in the nature of a Habeas Corpus to call for the records relating to the Detention Order Vide C.No.133/G/IS/2025 dated 04.08.2025, passed by the Second Respondent and quash the same and direct the respondents herein to produce the petitioner's husband namely M.Ayyanar @ Selvam, S/o.Murugan aged 28 years, (who is presently under going detention in the Central Prison, Coimbatore), before this Hon'ble Court and set him at liberty.



Prayer in HCP.No.2179 of 2025:- Habeas Corpus Petition filed under Article 226 of Constitution of India to issue a writ of Habeas Corpus to call for the records in connection with the order of Detention passed by the 2nd respondent dt. 02.08.2025 in C.No. 130/G/IS/2025 against the petitioner's son S.Arunkumar M/29 years, Son of Senthilkumar, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenue before the Hon'ble court and set him at liberty.

Prayer in HCP.No.2340 of 2025:- Habeas Corpus Petition filed under Article 226 of Constitution of India to issue a writ or direction or especially in the name of the Writ of Habeas Corpus to call for records pertaining to the proceedings of the 2nd respondent made in his proceedings in Detention order in C.No.129/G/IS/2025 dated 04.08.2025 and quash the same and set the petitioner's son by name "M.Praveen @ Killi Praveen, S/o.Mohan aged about 28 years" at liberty from Central Prison, Coimbatore /3rd respondent.

HCP.No.	For petitioner	For Respondents
2129 of 2025	Mr.S.N.Arun Kumar	Mr. R. Muniyapparaj, Additional Public Prosecutor Assisted by Mr.M.Sylvester John Advocate
2179 of 2025	Mr.A.Saranraj	Mr. R. Muniyapparaj, Additional Public Prosecutor Assisted by Mr.M.Sylvester John Advocate
2340 of 2025	Mr.Sugadev	Mr. R. Muniyapparaj, Additional Public Prosecutor Assisted by



		Mr.M.Sylvester John Advocate
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COMMON ORDER

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

HCP No.2129 of 2025 has been instituted by the wife of one M.Ayyanar @ Selvam, S/o Murugan (detenu), in respect of whom a detention order under the provisions of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) has been passed on 04.08.2025.

2. HCP No.2179 of 2025 has been instituted by the mother of one S.Arunkumar, S/o Senthilkumar (detenu), in respect of whom a detention order under the provisions of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) has been passed on 02.08.2025. The ground case on the basis of which the impugned detention orders have been passed in the above cases, are in terms of Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNSS').

3. HCP No.2340 of 2025 has been instituted by the father of one M.Praveen @ Killi Praven, S/o Mohan (detenu), in respect of whom a detention order under the provisions of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) has been passed on 04.08.2025. The ground case



on the basis of which the impugned detention order has been passed is in terms of Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 109, 351(3) and 49 of the BNSS.

4. The primary ground on which the relief is sought is that there is no move by either the detenus or their family members to obtain bail and hence there is no necessity for the detention orders to have been passed.

5. Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel for the respondents draws attention to paragraph 8 (HCP Nos.2129 and 2179 of 2025) and paragraph 7 (HCP No.2340 of 2025) of the impugned detention orders, wherein the Sponsoring Authority refers to the statements of M.Pitchaiammal, (mother of the detenu - HCP No.2129 of 2025), Nagomi, (mother of the detenu - HCP No.2179 of 2025) and Mohan, (father of the detenu - HCP No.2340 of 2025) to the effect that steps are being taken to obtain bail for them. The Authority also states that in similar circumstances, bail was granted to one A.Prabhakaran by the Principal District and Sessions Judge, Erode in C.M.P.No.884 of 2020 dated 08.04.2020.

6. In response, Mr.N.Arun Kumar, Mr.A.Saranraj and Mr.Sugadev, for Mr.M.Jegadeesh Pandian, learned counsel for the petitioners would deny the statements as factually erroneous.



7. We have heard the rival contentions of all parties and have perused the case records produced before us in the form of booklets.

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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 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 detenues. In the absence of a signature, these statements cannot be relied upon for this purpose.

12. Secondly, the statements are undated. Even a statement in terms of Section 161 is required to be dated and in the absence of a date, we are unable to correlate those statements in the sequence of events in the present case. We are wholly unaware as to when the statements have been recorded, and whether they are proximate to the passing of the impugned detention orders.

13. In such circumstances, when the statements raise such significant doubt, we are unable to accept the same as credible. Moreover, the crime number mentioned therein is also erroneous and we are not inclined to brush aside the error as a mere typographical mistake, as learned Additional Public Prosecutor would plead. 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.

14. The second ground set out in the impugned order is that there is a bail order that has been passed in similar circumstances, on the basis of which, the



Authority apprehends that bail would be obtained in the present cases as well.

We have noted in the paragraphs supra that no move has been taken to obtain bail. Hence, this objection by the respondents is irrelevant as far as the present cases are concerned.

15. Mr.Muniyapparaj has relied upon a decision of the Full Bench of this Court in H.C.P.(MD) Nos.1121 of 2022 etc. batch dated 28.03.2024 (*N.Fathima @ Laila V. State of Tamil Nadu and others*). The issues that have been considered by the Larger Bench are i) whether non-intimation of arrest in the ground case would be fatal to the subsequent detention order passed under Act 14 of 1982 and ii) whether non-supply of the entire materials pertaining to similar case referred by the Detaining Authority would be fatal to the detention order.

16. We do not find that either of these issues arise in the present cases and hence, reliance on this order is of no assistance to the respondents.

17. In light of this discussion, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in No.C.No.133/G/IS/2025 dated 04.08.2025 (HCP No.2129 of 2025), C.No.130/G/IS/2025 dated 02.08.2025 (HCP No.2179 of 2025) C.No.129/G/IS/2025 dated 04.08.2025 (HCP No.2340 of 2025) are hereby set aside.



18. The detenu, viz., Ayyanar @ Selvam, S/o. Murugan aged 28 years, presently confined in the Central Prison, Coimbatore (HCP No.2129 of 2025), S.Arunkumar, S/o Senthilkumar, aged 29 years, presently confined at Central Prison, Coimbatore (HCP No.2179 of 2025) and M.Praveen @ Killi Praveen, S/o.Mohan aged 28 years, presently confined at Central Prison, Coimbatore (HCP No.2340 of 2025) are hereby directed to be set at liberty forthwith unless their incarceration is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today.

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To

1. The Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police/Detaining Authority,
City Police Officer,
Huzur Road,
Coimbatore city,
Coimbatore-18.



3. The Inspector of Police
E3, Saravanampatty Police Station,
Coimbatore District.
5. The Commissioner of Police/Detaining Authority,
Coimbatore,
Coimbatore District.
6. The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.
7. The Commissioner of police,
Coimbatore City,
Coimbatore.
8. The Superintendent of Prison,
Central Prison,
Coimbatore.
9. The Public Prosecutor,
High Court of Madras, Chennai.



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HCP Nos. 2129, 2179 and 2340 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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