



WEB COPY

HCP No.2264 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. 2264 of 2025

Krishnaveni,
W/o.Late.Pullu Rao,
No.14, Suthadira Nagar,
4th Street,
Triplicane,
Chennai - 600 009.

...Petitioner/Mother

Vs

State of Tamil Nadu rep by

1.The Secretary to Government,
Home, Prohibition and Excise Department,
St.George Port,
Chennai-600 009.

2. Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 003.

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

4. The Inspector of Police,
E-2 Royapettah Police Station,
Chennai - 600 014.

...Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in detention order passed in No.636/BBCDEFGISSSV/2025 dated 03.09.2025 on the file of the 2nd respondent herein and set aside the same and direct the respondents to produce Thiru.K.P.Ashok Kumar, S/o.Late.Pullu Rao, the detenu herein now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner at liberty.

For Petitioner: M/S.R.Gururaj

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

ORDER

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

The mother of the detenu – K.P.Ashok, aged 34 years, S/o.Pullu Rao, has filed this petition challenging the detention order dated 03.09.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).



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2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for 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 satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. The detaining authority has relied upon a statement said to have been made by the mother of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the statement of the mother of the detenu is unsigned. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. 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. The



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inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.636/BBCDEFGISSSV/2025 dated 03.09.2025 is set aside.

7. The detenu, viz., K.P.Ashok, aged 34 years, S/o.Pulla Rao, 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.)
28-04-2026

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

dk

Issue Order Today.



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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
St.George Port,
Chennai-600 009.

2. Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 003.

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

4. The Inspector of Police,
E-2 Royapettah Police Station,
Chennai-600 014.

5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.

6. The Public Prosecutor
High Court of Madras.



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

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