



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2159 of 2025

Usharani
W/o.Kumar,
18/19, Madha Koil 2nd Street,
Chinnakoladi, Thiruverkadu,
Ayapakkam,
Tiruvallur-600 077.

..Petitioner(s)

Vs

1. The Secretary To The Government,
Home, Prohibition and Excise Department,
Chennai-600 009.
2. The Commissioner Of Police,
O/o.The Commissioner of Police,
Avadi City,
Chennai-600 054.
3. The Superintendent Of Prison,
Central Prison-II, Puzhal,
Chennai-600 066.
4. The Inspector Of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu,
Tiruvallur.



..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, order or direction, directing the respondents to produce the body of the detenu Mr.Prakash @ Lal Prakash, male aged 32 yrs, S/o.Kumar, who is detained in Central Prison II, Puzhal, Chennai before this Honble Court and pass an order to call for the records of detention order passed by the second respondent in 129/TNPD/APC/2025 dated 01.09.2025 against Mr.Prakash @ Lal Prakash and set aside the same and set the detenu at liberty.

For Petitioner(s): Mr.D.Dhanasekar

For Respondent(s): Mr.C.R.Malarvannan

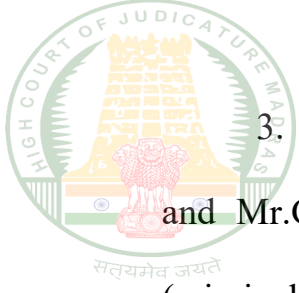
Counsel For Government Of Tamil Nadu
(criminal Side)

Order

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

The mother of one Prakash @ Lalprakash (detenu) S/o Kumar, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 01.09.2025.

2. Learned counsel appearing for the petitioner put forth several grounds. Firstly, he would submit that the documents supplied have not been translated in full and secondly, there is no proper subjective satisfaction in the statement of the detaining authority that the detenu will be enlarged on bail.

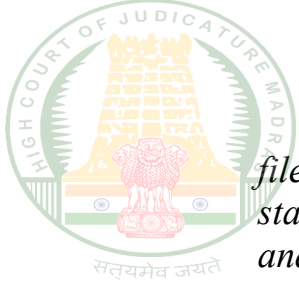


3. We have heard Mr.D.Dhanasekar, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.

4. We find from the perusal of the booklet that, as rightly pointed out by the learned counsel for the petitioner, the post mortem examination certificate dated 02.08.2025 has not been fully translated and what is available in the booklet between pages 24 and 25 is only an incomplete version of the post mortem certificate stopping short of all the findings from point 12 onwards in the English version. This is a fatal flaw.

5. That apart, the detaining authority has relied upon a statement of the detenu's wife to support his opinion that the detenu may be enlarged on bail. However, we find that the statement recorded under Section 180(3) of the BNSS is not signed and hence there is nothing to support the satisfaction of the detaining authority that there are efforts on-going to secure bail for the detenu. If at all the authority wishes to rely on the statement, such statement would necessarily have to be signed by the relative to support the apprehension of the authority.

6. 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:



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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 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.*



7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.129/TNPD/APC/2025 dated 01.09.2025 is set aside.

8. The detenu, viz., Prakash @ Lalprakash, S/o.Raj, male aged 32 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.)

02-06-2026

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Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Secretary To The Government,
Home, Prohibition and Excise Department,
Chennai-600 009.
2. The Commissioner Of Police,
O/o.The Commissioner of Police,
Avadi City,
Chennai-600 054.
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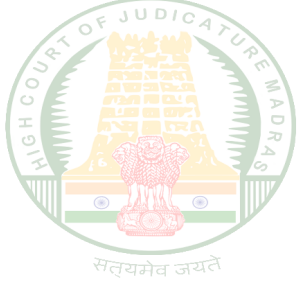


Thiruverkadu,
Thiruvallur.

5. The Public Prosecutor,
High Court of Madras.

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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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