



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2188 and 2196 of 2025

Sopana
W/o.Dhayanithi,
No.10, Gankadharan 3rd Street,
Puzhal Camp, Chennai-66

..Petitioner in
HCP.No.2188 of 2025

Selvi
W/o.Magimaidoss,
No.1/69, Malima Nagar,
Vilavankadupakkam, Sengundram,
Chenani District-52.

..Petitioner in
HCP.No.2196 of 2025

Vs

1. The Additional Chief Secretary to the
Government
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police
Avadi City.



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

4. The Inspector of Police
(Law and Order),
M-4, Redhills Police Station,
Chennai District.

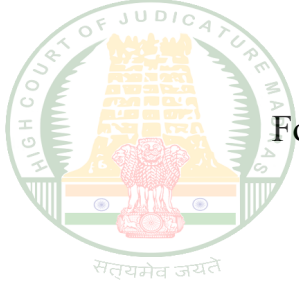
..Respondent(s) in both
HCP's

Prayer in HCP.No.2188 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a writ of habeas Corpus or any other writ or direction calling for the entire records connected with the detention order in Memo No.130/TNPD/APC/2025 on 03.09.2025 on the file of the respondent No.2 and quash the same and direct the respondents to produce the person of petitioner son one named Mr.Ilamparuthi S/o.Dhayanithi aged about 22 years now confined at Central Prison, Puzhal before this Hon'ble Court and set him at liberty forthwith.

Prayer in HCP.No.2196 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other Writ or Direction calling for the entire records connected with the detention order in Memo No.131/TNPD/APC/2025 on 03.09.2025 on the file of the Respondent No.2 and quash the same and direct the respondents to produce the person of petitioner son one named Mr.Santhosh Kumar, S/o.Magimaidoss aged about 22 years now confined at Central Prison, Puzhal before this Hon'ble Court and set him at liberty.

In both HCP's

For Petitioner(s): Mr.P.Muthamizhselvakumar



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

Counsel For Government Of Tamil Nadu
(criminal Side)

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Common Order

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

In both HCP's, we have heard Mr.P.Muthamizhselvakumar, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.

2. In HCP.No.2188 of 2025, the mother of one Ilamparuthi (detenu) S/o Dhayanithi, 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 03.09.2025.

3. In HCP.No.2196 of 2025, the mother of one Santhosh Kumar (detenu) S/o Magimaidoss, 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 03.09.2025.

4. Learned counsel for the petitioner assails the impugned orders of detention on various grounds. He would primarily point out that the subjective satisfaction of the detaining authority in opining that bail may be granted to the detenus is incorrect.

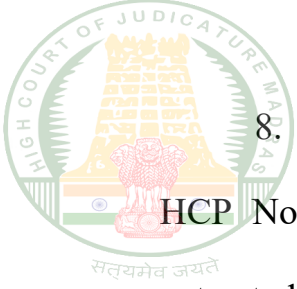


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5. The detaining authority has proceeded to order detention for the reason that according to him the detenus may be enlarged on bail. For this purpose, he has relied on i) the order passed in CrI.O.P.No.27950 of 2024 dated 08.11.2024 in the case of *K.Jayam* by this Court and ii) the statement recorded from their mother, the petitioners herein, to the effect that the family is in the process of taking steps to enlarge the detenus on bail.

6. In both cases, we find the opinion flawed. Insofar as the bail application is concerned, the accused in that case had one previous case leading to a situation where he was granted bail. However, in the present matters, the detenus have 9 and 4 previous cases respectively and hence, the gravity of their cases is far more, than the cases of that accused. Hence, for the detaining authority to have opined that that bail order would have a repercussion in their cases, is not correct.

7. As far as the statements recorded from the mother of the detenus is concerned, we find that the statements recorded under Section 180(3) of the BNSS are 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 detenus. 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.



8. 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.

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9. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in No.130/TNPD/APC/2025 and No.131/TNPD/APC/2025, both dated 03.09.2025 are set aside.

10. The detenus, viz., Ilamparuthi, S/o.Dhayanithi, male aged 22 years, and Santhosh Kumar, S/o.Magimaidoss, male aged 22 years, who are now confined in Central Prison, Puzhal, Chennai, are directed to be set at liberty forthwith unless their 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.

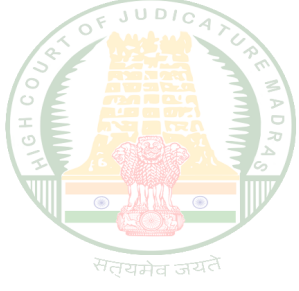
To

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police
Avadi City.



3. The Superintendent of Prison
Central Prison Puzhal,
Chennai.
4. The Inspector of Police
(Law and Order),
M-4, Redhills Police Station,
Chennai District.
5. The Public Prosecutor,
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 Nos. 2188 and 2196 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

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