



WEB COPY

HCP No. 2278 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2278 of 2025

Tmt.Gowri
W/o.Sundaram,
No.21/11, 9th Street,
Trustpuram,
Kodambakkam,
Chennai District.

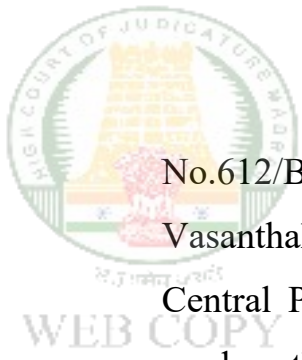
..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai.
3. The Inspector of Police,
R3, Vadapalani Police Station,
Chennai.
4. The Superintendent of Prison,
Chennai Central Prison, Puzhal,
Chennai.

..Respondent(s)

Prayer: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus or any other Writ or Order in the nature of writ to call for the records in connection with the order of detention passed by the second respondent dated 28.08.2025 in



No.612/BBCDEFGISSV/2025 against the petitioner's son-in-law Vasanthakumar, S/o.Ramachandran aged about 31 years, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Honble Court and set him at liberty.

For Petitioner(s): Mr. V. Parthiban
for Mr.P.K.Rajangam

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor,
Asst. by Mr.M.Sylvester John

ORDER

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

The mother-in-law of detenu - Vasanthakumar, S/o.Ramachandran, aged 31 years, has filed this petition challenging detention order dated 28.08.2025 branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

3.The learned counsel for the petitioner has raised two grounds which merits acceptance. The first ground raised by the learned counsel is that in the grounds of detention, the detaining authority has stated that the relatives of the detenu are taking action to take him out on bail in the ground case. However, the statement of a relative has only been furnished in the booklet and even that statement is unsigned.



4.This Court in HCP No.1684 of 2025, by the order dated 01.04.2026 had held that a statement recorded under Section 180(3) of BNSS, which does not require signature, is of no value and that only a signed statement of the relative would lend credence to the satisfaction of the detaining authority that the relative is taking steps to file a bail application and there is likelihood of the detenu being released on bail.

5.Secondly, the detaining authority had relied upon a remand order said to have been passed on 22.08.2025 to infer that the detenu's remand was extended till 12.09.2025. The said order has been furnished in page no.72 of the booklet. However, it is seen from the copy of the order that there are two corrections as regard the date of the order and the date till which the remand was extended. In the foot note, however, it is stated that the corrections were 'nil'. The detaining authority ought to have adverted to the said discrepancy and obtained clarification from the sponsoring authority to satisfy himself as regards the genuineness of the said remand order. The detaining authority however, had mechanically relied upon the said order.

6.For both the reasons, we are of the view that the impugned order is liable to be set aside.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.612/2025 dated 28.08.2025 is set aside.



8. The detenu, viz., Vasanthakumar, S/o. Ramachandran, aged 31 years, 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.)
20-04-2026

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

TSG

Note: Issue order copy on 20.04.2026

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
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3. The Inspector of Police,
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AND
SUNDER MOHAN, J.**

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