



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2277 of 2025

M.Suresh
S/o.Murali,
No.12/94, 8th Street, Trustpuram,
Kodambakkam, Chennai District

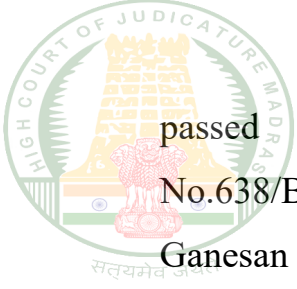
..Petitioner(s)

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
R8 Vadapalani Police Station,
Chennai.
4. The Superintendent of Prison,
Chennai Central Prison, Puzhal, Chennai.

..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 writ or order in the nature of writ call for the records in connection with the order of detention



passed by the second respondent dated 03.09.2025 in No.638/BBCDEFGISSSV/2025 against the petitioner's friend G.Kannan son of Ganesan aged about 30 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at liberty

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

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 friend of detenu - Kannan, S/o.Ganesan, aged 30 years, has filed this petition challenging 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).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for respondents.

3. We have dealt with the case of the co-accused in HCP No.2278 of 2025 vide order dated 20.04.2026 and quashed the order in the case of the co-accused. The relevant portion of order dated 20.04.2026 reads as follows:



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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 09.08.2025 to infer that the detenu's remand was extended till 23.08.2025. The said order has been furnished in page no.64 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.

4. Following the aforesaid decision, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.638/BBCDEFGISSSV/2025 dated 03.09.2025 is set aside.

5. The detenu, viz., Kannan, S/o. Ganesan, aged 30 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.

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

04-06-2026

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Index: Yes/No

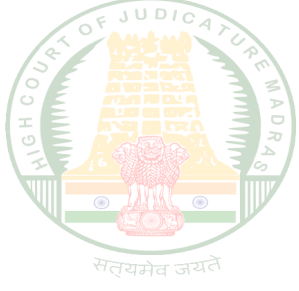
Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.

To

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
R8 Vadapalani Police Station,
Chennai.
4. The Superintendent of Prison,
Chennai Central Prison, Puzhal, Chennai.
5. The Public Prosecutor,
High Court, Madras.
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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