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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2248 of 2025

Sumathi
W/o.Murugan,
No.37, 3rd Street,
Vallalar Nagar,
Pattabiram, Chennai.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Avadi City, Tiruvalluvar District.
3. The Inspector of Police (Law and Order)
Pattabiram Police Station,
Chennai.
4. The Superintendent of Prison
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 to call for the records in connection with the order of detention passed by the 2nd respondent dt. 04.09.2025 in Memo No. 132/TNPD/APC/2025 against the petitioner's son Mahesh Kumar S/o.Murugan, aged about 25 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.Murugesan

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 the detenu - Maheshkumar, S/o.Murugan, branded as Goonda and confined in Central Prison, Puzhal, Chennai under detention order dated 04.09.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.V.Murugesan, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

3. The case of the petitioner is that the subjective satisfaction of the detaining authority is incorrect, as neither the special report nor the statement allegedly recorded from the petitioner under Section 180(3) of the BNSS on the



basis of which the authority concludes that the detenu may be enlarged on bail are properly authenticated.

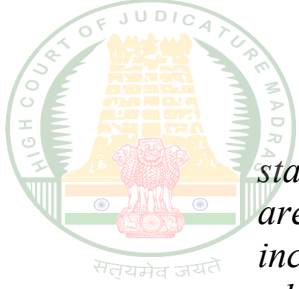
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4. On a perusal of the booklet, we have perused the Special Report placed at page 47 of the booklet furnished. As rightly pointed out, we find the same undated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the detenu has been taken, the same ought to have been dated, to establish credibility. The absence of even basic details such as a date, vitiates the same.

5. That apart, we also find that the statement recorded from the petitioner/mother of the detenu under Section 180(3) of the BNSS, a copy of which is placed at page 46 of the booklet furnished 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:

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.



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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.132/TNPD/APC/2025, dated 04.09.2025, is set aside.



8. The detenu, viz., Maheshkumar, S/o. Murugan, aged 25 years, 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.

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

04-06-2026

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Index: Yes/No

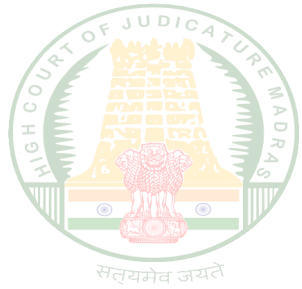
Speaking/Non-speaking order

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
Avadi City,
Tiruvalluvar District.
3. The Inspector of Police (Law and Order)
Pattabiram Police Station,
Chennai.
4. The Superintendent of Prison
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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