



HCP No. 2328 of 2025

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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. 2328 of 2025

Ammu
W/o.Udayakumar,
Residing at
No.234, C-Kalyanapuram Main street,
Vyasarpadi,
Chennai-600 039.

..Petitioner(s)

Vs

1. The State of Tamil Nadu Rep.by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai Chennai City,
Veppery, Chennai-600 054.
3. The Superintendent of Police,
Central Prison-Puzhal,
Chennai-600 066.
4. The Inspector of Police,
Law and Order,
P5, M.K.B.Nagar Police Station,
Chennai.

..Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in Detention order passed in BBCDEFGISSSV NO.641/2025 dated 03.09.2025 passed by the 2nd respondent herein and quash the same and direct the respondents herein to produce the petitioner's husband as a detenu (Udhayakumar, male aged 34, S/o.Elumalai, No.14, B-Kalyanapuram, 1st Street, Vyasarpadi, Chennai-600 039) is now confined in Central Prison-Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s):

Mr.E.Gopalakrishnan
for Mr.A.Ashok Kumar

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

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

The wife of the detenu – Udhayakumar, S/o.Elumalai, aged 34 years, has filed this petition challenging the detention order dated 03.09.2025, branding him as a '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) for respondents.

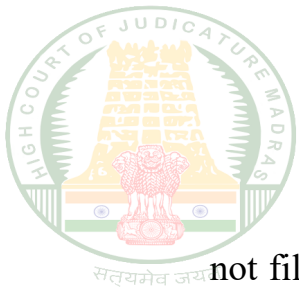


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3. It is seen from the grounds of detention that the detaining authority has relied upon an order passed in CrI.MP.No.7295 of 2025 by the learned Principal Sessions Judge, Chennai to arrive at a conclusion that in similar cases bail has been granted by the Courts and that therefore, the detenu is likely to be released on bail by filing the bail application.

4. In the ground case, the offences alleged against the detenu is under Sections 126(2) and 132 of the BNS, 8(c) r/w 20(b)(ii)(B) of the NDPS Act and 25(1A) of the Arms Act, 1959. In the order relied upon by the detaining authority, the offences alleged against the accused therein are under Sections 296(b), 115(2), 132 and 351(2) of BNS and Section 4 of TNPHW Act and the Sessions Court had granted bail since the victim had not sustained any serious injury. Hence, reliance placed on the said order is misconceived which vitiates the satisfaction of the detaining authority.

5. Further, in paragraph no.4 of the grounds of detention, the detaining authority had stated that the detenu, who was in remand, had



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not filed any bail application and had relied upon the unsigned statement of the relative of the detenu, who is said to have stated that she is taking steps to file a bail application on behalf of the detenu. We have in HCP No. 1684 of 2025, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

6. Therefore, the reliance placed by the detaining authority on the said statement of the relative and the order of the Sessions Court to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail, is misconceived. The inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in NO.641/BBCDEFGISSSV/2025 dated 03.09.2025 is set aside.

8. The detenu, viz., Udhayakumar, S/o.Elumalai, aged 34 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby



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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.)
04-06-2026

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

Issue order copy today.

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To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai Chennai City,
Veppery, Chennai-600 054.
3. The Superintendent of Police,
Central Prison-Puzhal,
Chennai-600 066.
4. The Inspector of Police,
Law and Order, P5, M.K.B.Nagar Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department, Secretariat, Chennai
6. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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