



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2279, 2284, 2288, 2290, 2317, 2434 and 2439 of 2025

Janagi

W/o. Govindaraj,
No.1/26, Panankadu,
Andipatty and Post,
Salem District.

..Petitioner in
HCP.No.2279 of 2025

Selvi

W/o.Kaliyappan
No.47/7, Karuppanur, Veducathampatty,
Thirumalaigiri, Salem & District.

..Petitioner in
HCP.No.2284 of 2025

Aiyammal

W/o. Mariyappan,
Near Mariyamman Kovil,
Veducathampatty,
Salem & District.

..Petitioner in
HCP.No.2288 of 2025

Govindaraj

S/o.Rajendran,
No.2/84, Kuttakadu,
Kanju Mariyamman Kovil Street,
Veducathampatty, Salem and District.

..Petitioner in
HCP.No.2290 of 2025

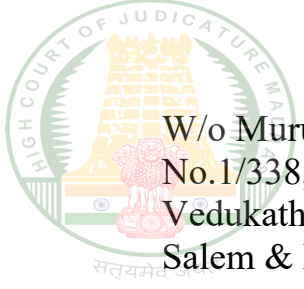
Mariyappan

S/o.Palani,
No.1/10, Chettiyar Street,
Veducathampatty,
Salem and District

..Petitioner in
HCP.No.2317 of 2025

Sathya

..Petitioner in



W/o Murugesan,
No.1/338, Paraivattam,
Vedukathampatty,
Salem & District.

HCP.No.2434 of 2025

Lakshmi

W/o.Vadivel, No.4/69, Lakshmi Nagar, Andipatty,
Salem and District.

..Petitioner in
HCP.No.2439 of 2025

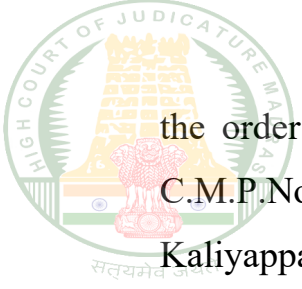
Vs

1. The Secretary To Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Salem City.
3. The Superintendent of Prison
Central Prison, Salem-7.
4. The Inspector of Police
Steel Plant Police Station,
Salem City.

..Respondent(s) in all
HCP's

Prayer in HCP No. 2279 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 order in the nature of Writ call for the records in connection with the order of detention passed by the second respondent dated 14.10.2025 in C.M.P.No.65/Goonda/Salem City/2025 against the petitioner Brother Prakash, Male aged 21years S/o. Nagaiya, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detinue before the Hon'ble Court and set him at liberty and pass such further or other orders as this Hon'ble Court.

Prayer in HCP No. 2284 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 order in the nature of writ call for the records in connection with



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the order of detention passed by the second respondent dated 14.10.2025 in C.M.P.No.63/GOONDA/Salem City/2025 against the petitioner Husband Kaliyappan, Male aged 24 years S/o.Rajendran, who is confined at Central Prison, Salem and set aside the same and direct the respondent to produce the detenue before the Hon'ble Court and set him at liberty

Prayer in HCP No. 2288 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 order in the nature of writ to call for the records in connection with the order of detention passed by the 2nd respondent dt. 14.10.2025 in C.M.P.No. 68/Goonda/Salem City/2025 against the petitioner Son Kavinesh, male aged 19 years S/o.Mariyappan, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty and pass such further or other orders as this Hon'ble Court.

Prayer in HCP No. 2290 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 Order in the nature of Writ call for the records in Connection with the order of Detention passed by the second respondent dated 14.10.2025 in C.M.P.No.67/Goonda/Salem City/2025 against the Petitioner Brother Thangaraj @ Sigadayan, Male aged 27 years S/o.Rajendran, who is Confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at Liberty and pass such further or other orders as this Hon'ble Court.

Prayer in HCP No. 2317 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 order in the nature of writ call for the records in connection with the order of detention passed by the second respondent dated 14.10.2025 in



C.M.P.No.64/Goonda/Salem City/2025 against the petitioner Brother in law Elango male aged 18 years S/o.Murugan, who is confined at Central Prison, Salem and setaside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty

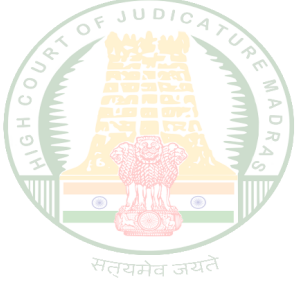
Prayer in HCP No. 2434 of 2025: Habeas Corpus petition filed under article 226 of Constitution of India for issuance of a WRIT OF HABEAS CORPUS or any other writ or order in the nature of writ call for the records in connection with the order of Detention passed by the second respondent dated 14.10.2025 in C.M.P.No.66/Goonda/Salem City/2025 against the petitioner son Suriya, male aged 21 years s/o Murugesan, who is confined at Central prison, Salem and set aside the same and direct the respondents to produce the detenue before the Honourable Court and set him at liberty.

Prayer in HCP No. 2439 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 Order in the nature of Writ call for the records in Connection with the order of Detention passed by the second respondent dated 16.10.2025 in C.M.P.No.73/Goonda/Salem City/2025 against the Petitioner Son Pasupathi, Male aged 19 years S/o.Vadivel, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at Liberty and pass such further or other orders as this Hon'ble Court may deem fit and proper in the above stated circumstances and thus render justice.

In all HCP's

For Petitioner(s): Mr. D. Balaji

For Respondent(s): Mr. C.R. Malarvannan
Counsel For Government Of Tamil Nadu
(Criminal Side)

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

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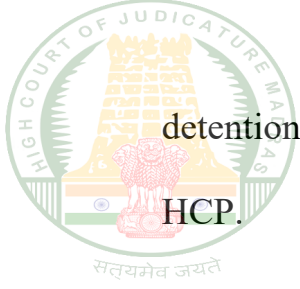
In HCP.No.2279 of 2025, the sister of the detenu – Prakash, S/o. Nagaiya, branded as Goonda and confined in Central Prison, Salem under detention order dated 14.10.2025 has challenged the order of detention in this HCP.

2. In HCP.No.2284 of 2025, the wife of the detenu – Kaliyappan, S/o. Rajendran, branded as Goonda and confined in Central Prison, Salem under detention order dated 14.10.2025 has challenged the order of detention in this HCP.

3. In HCP.No.2288 of 2025, the mother of the detenu – Kavinesh, S/o. Mariyappan, branded as Goonda and confined in Central Prison, Salem under detention order dated 14.10.2025 has challenged the order of detention in this HCP.

4. In HCP.No.2290 of 2025, the brother of the detenu – Thangaraj @ Sigadayan, S/o. Rajendran, branded as Goonda and confined in Central Prison, Salem under detention order dated 14.10.2025 has challenged the order of detention in this HCP.

5. In HCP.No.2317 of 2025, the uncle of the detenu – Elango, S/o. Murugan, branded as Goonda and confined in Central Prison, Salem under



detention order dated 14.10.2025 has challenged the order of detention in this HCP.

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6. In HCP.No.2434 of 2025, the mother of the detenu – Suriya, S/o. Murugesan, branded as Goonda and confined in Central Prison, Salem under detention order dated 14.10.2025 has challenged the order of detention in this HCP.

7. In HCP.No.2439 of 2025, the mother of the detenu – Pasupathi, S/o. Vadivel, branded as Goonda and confined in Central Prison, Salem under detention order dated 16.10.2025 has challenged the order of detention in this HCP.

8. We have heard Mr.D.Balaji, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents in all HCP's.

9. One of the grounds in the detention orders dated 14.10.2025 and 16.10.2025 is that the detenus may be enlarged on bail. The detaining authority has referred to the statements allegedly recorded from the relatives of the detenus under Section 180(3) of the BNSS to the effect that they are taking steps to file bail applications before the appropriate Court.

10. However, we find that the statements are not signed and hence there is nothing to support the satisfaction of the detaining authority that there are



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efforts on-going to secure bail for the detenu. If at all the authority wishes to rely on any document in this regard, it would necessarily have to be signed by the relative to support the apprehension of the authority. In addition, in some cases, the statement is not even dated, which further reduces the credibility of the document as the circumstances under which it has been taken and the proximity to the subject matter of the present case, is unknown.

11. 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.

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



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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.

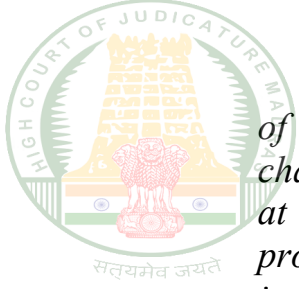
12.

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.

12. Incidentally, our attention is drawn to an order passed in HCP (MD) N0.369 of 2026 dated 19.06.2026 passed by the co-ordinate Bench sitting at Madurai, wherein an order passed by this Bench in HCP Nos. 2129, 2179 and 2340 of 2025 dated 03.03.2026 was relied upon by that petitioner. The Bench has opined that the order is per incuriam and has rendered the following observations:

11. We have carefully gone through the order passed in HCP.Nos. 2129, 2179 and 2340 of 2025 dated 03.03.2026. The Division Bench of this Court, after taking into consideration the bar contained under Section 162 of Cr.P.C., which provides that such statement recorded under Section 161 of Cr.P.C., need not be signed, proceeded to hold that when such statements are relied upon while passing the detention order, it has to be necessarily signed failing which such statement cannot be relied upon by the Detaining Authority.

12. In our considered view, the above finding of the Division Bench is not in line with Sections 161 and 162 of Cr.P.C., / 180 and 181 of BNSS. The provisions of Cr.P.C., / BNSS makes it clear that the Police Officer may reduce into writing any statement made to him in the course of an investigation and such statement recorded by the Investigation Officer need not be signed by the person, who makes it. Thus, there is a bar provided under Section 162 of Cr.P.C., / 181



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of BNSS. An exception cannot be carved out while dealing with a challenge to the detention order. The finding of the Division Bench at Paragraph No.11 of the order runs contrary to the statutory provision and therefore, it has to be necessarily held to be per incuriam.

13. We believe that our order has been misconstrued and has not been understood in proper perspective. It was never the intention of the Bench to conclude that a statement under Section 180(3) of BNSS or Section 161 of the Cr.P.C., 1973 should be signed by the deponent, being conscious of the statutory requirement that obviates a necessity of signature on the statements recorded under the aforesaid provisions.

14. Our intention was to state that if at all those statements were sought to be taken advantage of, to buttress the subjective satisfaction of the sponsoring/detaining authority while passing an order under Act 14 of 1982, then it is necessary that the material relied upon by that authority must be seen to emanate from the deponent himself/herself, to be credible.

15. A statement under Section 180(3) of the BNSS or Section 161 of the Cr.P.C. would thus not come to the aid of the sponsoring/detaining authority, and would not contribute credible material that would support his subjective satisfaction.

16. In fact, both Sections 180(3) of BNSS and Section 161 of the Cr.P.C. relate to the examination of witnesses in the course of investigation of a case and such statements would hence be of no avail for the purpose of supporting



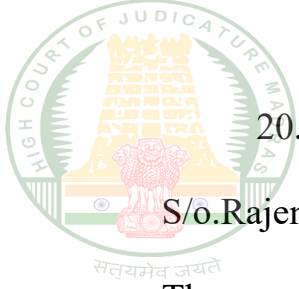
subjective satisfaction in cases of detention. We, hence, reiterate our view in the present matter as well.

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17. That apart, the detaining authority has relied upon an order passed in CMP No.107 of 2020 dated 08.01.2020 by the Principal Sessions Judge, Salem. We have compared the offences allegedly committed by that accused with the offences in the present case and find that in addition to offences to murder, the charge includes abduction under Section 137(2) of BNSS. Hence, the offences are far graver in the present case.

18. Furthermore, the Principal Sessions Judge in the relied upon matter was persuaded to grant bail for the reason that the co-accused in that case had been granted bail by the Madras High Court and the Sessions Court. Those circumstances do not arise in the present matter. Reliance is, hence, misplaced for the aforesaid differences in facts and circumstances.

19. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in C.M.P.No.65/Goonda/Salem City/2025, C.M.P.No.63/Goonda/Salem City/2025, C.M.P.No.68/Goonda/Salem City/2025, C.M.P.No.67/Goonda/Salem City/2025, C.M.P.No.64/Goonda/Salem City/2025, C.M.P.No.66/Goonda/Salem City/2025, all dated 14.10.2025, and C.M.P.No.73/Goonda/Salem City/2025, dated 16.10.2025, are set aside.



20. The detenus, viz., Prakash, S/o. Nagaiya, aged 21 years, Kaliyappan, S/o.Rajendran, aged 24 years, Kavinesh, S/o.Mariyappan, aged 19 years, Thangaraj @ Sigadayan, S/o.Rajendran, aged 27 years, Elango, S/o/ Murugan, aged 18 years, Suriya, S/o.Murugesan, aged 21 years, and Pasupathi, S/o.Vadivel, aged 19 years, all confined in Central Prison, Salem, is 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.)
23-06-2026

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Index: Yes/No

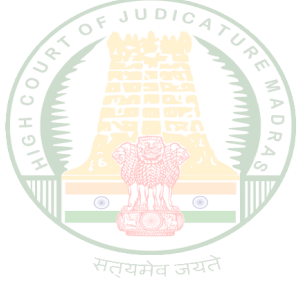
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Secretary To Government,
Home, Prohibition and Excise Department, Secretariat, Chennai-600 009.
2. The Commissioner of Police
Salem City.
3. The Superintendent of Prison
Central Prison, Salem-7.
4. The Inspector of Police
Steel Plant Police Station,
Salem City.
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.

SL

HCP Nos. 2279, 2284, 2288, 2290, 2317, 2434 and 2439 of 2025

23-06-2026