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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. 2331 of 2025

Mary
W/o.Sathishkumar,
No.81, Errikarai Street,
Gandhi Nagar,
Adambakkam,
Chennai District-88.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to the
Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai - 600009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal-II,
Chennai District.
4. The Inspector Of Police,
(Law and Order),
S-8, Adambakkam Police Station,
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 Direction



calling for the entire records connected with the detention order in No.678/BBCDEFGISSSV/2025 on 12.09.2025 on the file of the respondent no.2 and Quash the same and direct the respondents to produce the person of petitioner son one named Mr.Daniel Joseph S/o. Sathishkumar aged about 24 years now confined at Central Prison, Puzhal before this Honourable Court and set him at liberty.

For Petitioner(s): Mr.P.Muthamizh Selvakumar

For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(Criminal Side)

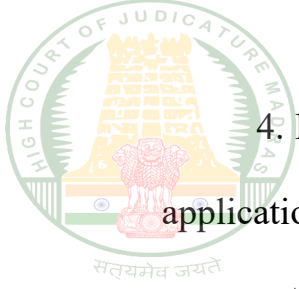
Order

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

The mother of the detenu – Daniel Joseph, S/o. Sathishkumar, branded as Goonda and confined in Central Prison, Puzhal, Chennai under detention order dated 12.09.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.P.Muthamizh Selvakumar, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents.

3. Learned counsel for the petitioner would submit that the impugned order of detention is bad in law for several reasons. He would particularly assail the subjective satisfaction of the detaining authority that he may be released on bail, which according to him, is incorrect as no bail application has even been moved thus far. This is the main ground of attack.



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4. It is correct that neither the detenu nor his family members moved bail application and this fact has been noted by the detaining authority. However, he goes on to apprehend that the relatives of the detenu are taking steps to enlarge him on bail. For this purpose, he relies on the statement allegedly recorded from the brother of the detenu.

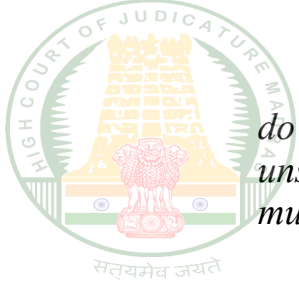
5. We find, on a perusal of the same, that that statement recorded under Section 180(3) of the BNSS is not signed. Hence there is nothing to support the satisfaction of the detaining authority that there are efforts on-going to secure bail for the detenu. If at all the authority wishes to rely on the 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.

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



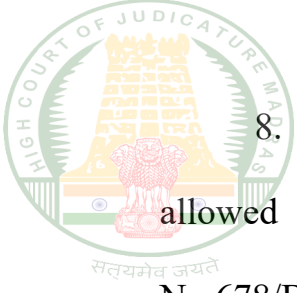
do not support their case. Firstly, the statements are indeed unsigned and undated. There is hence absolutely no clarity, much less certainty, as to when they were recorded.

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 addition, the detaining authority has also referred to the bail order passed in Crl.M.P.No.26094 of 2024 by the Chennai Sessions Court. We do not believe that that order is comparable and ought not to have been invoked for the reason that that accused had a history of only one previous case, whereas the detenu has 8 previous cases. Hence, we are confident that the bail Court could appreciate the gravity of the charges in the present case while considering the application for bail.



8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.678/BBCDEFGISSSV/2025, dated 12.09.2025, is set aside.

9. The detenu, viz., Daniel Joseph, S/o. Sathishkumar, aged 24 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.

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

04-06-2026

sl

Index: Yes/No

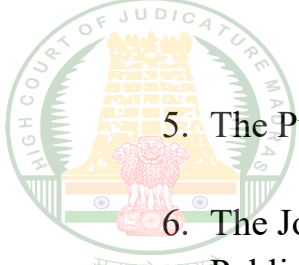
Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.

To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai - 600009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal-II,
Chennai District.
4. The Inspector Of Police,
(Law and Order),
S-8, Adambakkam Police Station,
Chennai.



5. The Public Prosecutor, High Court, Madras.

6. The Joint Secretary to Government

Public (Law and Order),

Secretariat, Fort St.George,

Chennai – 9.

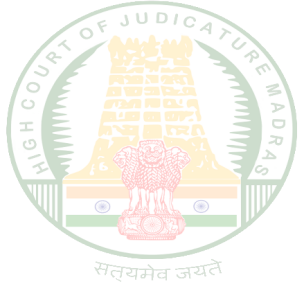
DR.ANITA SUMANTH J.

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