



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM :

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2386 of 2025

Maheswaran
S/o.Vijayakumar,
No. 44, Moor Street,
Chennai- 600 001.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Dept.,
Secretariat, Fort St.George,
Chennai-9.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Police
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police
B-2 Esplanade Police Station,
Chennai.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the records in connection with the order of detention passed by the second respondent dt.19.09.2025 in No. 175/BBCDEFGISSV/2025 against the petitioner cousin brother Thiru. Chandru, Male aged about 25 years S/o.Velu, who is confined at Central Prison Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.



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For Petitioner(s):

Mr.A.Venkateswara Babu

For Respondent(s):

Mr.C.R.Malarvannan

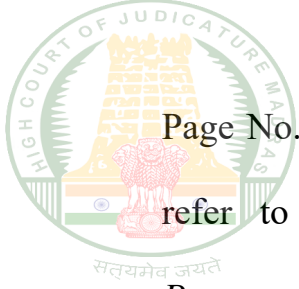
Counsel for Government of Tamil Nadu
(Criminal Side)ORDER*(Made by Dr.Anita Sumanth, J.)*

Chandru, S/o. Velu, has been labelled as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) under order dated 19.09.2025 and arrested prior thereto. His brother has challenged the detention order before this Court.

2.Mr.A.Venkateswara Babu, learned counsel, who appears for the petitioner assails the impugned order on various grounds. He would submit that the opinion formed by the detaining authority that the detenu would be released on bail is incorrect and that there are several pages in the booklet furnished that are illegible and not translated.

3. We have heard Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side) and perused the material papers, including the booklet furnished.

4. We find that, as contended by the petitioner that several of the documents in the booklet are illegible for the reason that they are stained with smudges and black marks which makes it impossible to read. That apart, there are documents which are in English which have not been translated to tamil (see



Page No. 39 of Vol I, Page Nos. 155 – 159 of Vol II). In this regard, we may refer to the judgment of the Hon'ble Supreme Court in the case of

Powanammal Vs. State of Tamil Nadu reported in [(1999) 2 SCC 413]. The

relevant observations are as follows:

“8.The law relating to preventive detention has been crystallized and the principles are well neigh settled. The amplitude of the safeguard embodied in Art. 22(5) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenu but also to supplying their translation in script or language which is understandable to the detenu. Failure to do so would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making a representation against the order. (See Hadibandhu Das v. District Magistrate, Cuttack & Anr., [1969] 1 SCR 227).

9. However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.”

5. In light of the fact that the State accedes to the position that the detenu



is conversant only in Tamil, it is incumbent on the State to have furnished the translated documents, that too, the documents that are legible. This ground is accepted.

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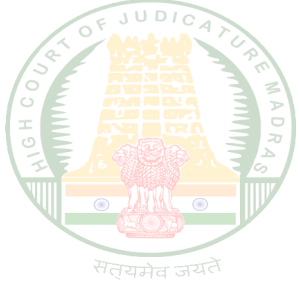
6. The first bail application filed by the detenu has admittedly been dismissed. The detaining authority however proceeds on the basis that there is every possibility that detenu may be enlarged on bail by virtue of second bail application moved by him. However, there is no support for this conclusion insofar as the statement which he relies upon has been recorded under 180 (3) of BNSS is not signed by the person from whom it has avowedly been recorded.

7. We have, in fact, taken a similar view in our order dated 03.03.2026 in H.C.P.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.



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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.

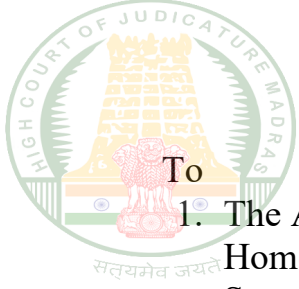
13. We hence eschew the statements in toto for the purposes of the present cases. As a sequitur, subjective satisfaction of the Sponsoring Authority that M.Pitchaiammal, Nagomi and Mohan are taking steps to obtain bail, based on the above statements stands vitiated and the argument of the petitioners on this count is accepted.”

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.715/BBCDEFGISSSV/2025, dated 19.09.2025, is set aside.

9. The detenu, viz., Chandru, S/o.Velu, 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.

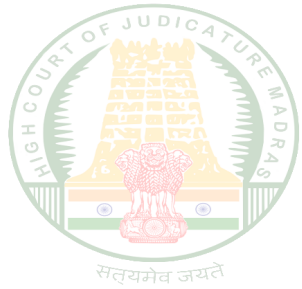
(A.S.M, J.) (S.M, J.)
03-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
ssm
Note to Registry : Issue Today



To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Dept.,
Secretariat, Fort St.George,
Chennai-9.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Police
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police
B-2 Esplanade Police Station,
Chennai.
5. The Joint Secretary to Government
Public (Law and Order),
Fort St.George,
Chennai – 9.
6. The Public Prosecutor,
High Court, Madras.



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

ssm

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