



HCP No.2463 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

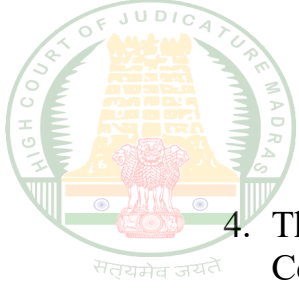
HCP No. 2463 of 2025

Hemalatha
W/o. Ajithkumar,
No.185/29, Greams Road,
Azhagiri Nagar,
Thousand Light,
Chennai - 600 006.

...Petitioner/Wife of the
detenu

Vs

1. The State of Tamilnadu
Rep By, The Additional Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
F-4, Thousand Light Police Station,
Chennai.



4. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 600 066.

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...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.677/BBCDEFGISSSV/2025 dated 12.09.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Thiru.Ajithkumar, S/o.Janakiraman, aged about 27 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's husband Thiru Ajithkumar, S/o.Janakiraman, aged about 27 years the detenu herein at liberty.

For Petitioner:

Mr.J.Deva

For Respondents:

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 – Ajithkumar, S/o.Janakiraman, aged 27 years, has filed this petition challenging the detention order dated 12.09.2025, branding him as '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 the respondents.

3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. The detaining authority has relied upon a statement said to have been made by the wife of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the statement of the wife of the detenu is unsigned. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. Therefore, the reliance placed on the said statement by the detaining authority to arrive at the satisfaction that there is a real



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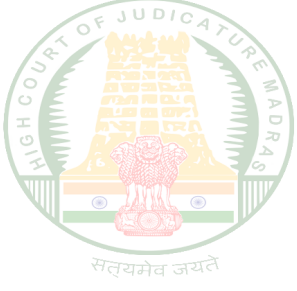
possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to indulge in further criminal activities after his release on bail is based on the said erroneous premise. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.677/BBCDEFGISSSV/2025 dated 12.09.2025 is set aside.

7. The detenu, viz., Ajithkumar, S/o.Janakiraman, aged 27 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

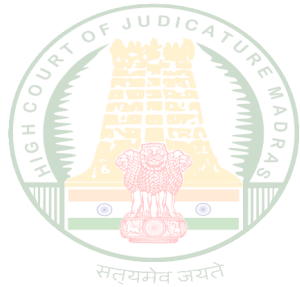
(A.S.M.,J.) (S.M.,J.)
05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Issue order copy today.
dk



WEB COPY To

1. The Additional Secretary,
Home Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner Of Police,
Greater Chennai,
Vepery, Chennai-600 007.
3. The Inspector Of Police,
F-4, Thousand Light Police Station,
Chennai.
4. The Superintendent Of Prison,
Central Prison-II,
Puzhal, Chennai-600 066.
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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