



WEB COPY



HCP No. 2385 of 2025

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. 2385 of 2025

Sumathi

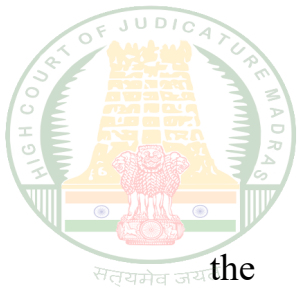
..Petitioner(s)

Vs

1. State of Tamilnadu rep by the Additional Chief
Secretary to Government
Home, Prohibition and Excise Department,
Department Fort St.George,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai ,
Office of the Commissioner of Police,
Vepery, Chennai
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai-600 066
4. The inspector of Police
G-2, Periyamet Police Station,
Chennai

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying
for issuance of Writ of Habeas Corpus, calling for the records relating to



HCP No. 2385 of 2025

the detention order passed by the 2nd respondent in No.651/BBCDEFGISSSV/2025 dated 04.09.2025 against the petitioner's son Surya S/o.Dinakaran male aged 27 years the detenu herein now confined in Central Prison, Puzhal, Chennai and to set aside the detention order and direct the respondent to produce and set him at liberty.

For Petitioner(s): Mr.T.I.Ramanathan

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 mother of detenu - Surya, S/o.Dinakaran, aged 27 years, has filed this petition challenging the detention order dated 04.09.2025, 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.

3. The detention order is liable to be quashed on the sole ground that the detaining authority's satisfaction that the detenu is likely to



HCP No. 2385 of 2025

WEB COPY

file a bail application is based on the unsigned and undated statement of a 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.

4. We find in this case that in the copies furnished to the detenu and this Court, there is no date in the statement of the relative. However, a date is mentioned in the said statement in the copy that was available with the learned counsel for Government of Tamil Nadu (Criminal Side), appearing for respondents. This indicates that the date has been affixed in the copy furnished to the Public Prosecutor only after the copy of the undated statement was furnished to the detenu. The investigating officer ought not to have resorted to such a practice. We leave it at that.

5. Therefore, the reliance placed on the said statement by the detaining authority 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 is likely to be released on bail and consequently,



HCP No. 2385 of 2025

would indulge in further criminal activities also is without any basis.

WEB COPY

Hence, the detention order is liable to be quashed.

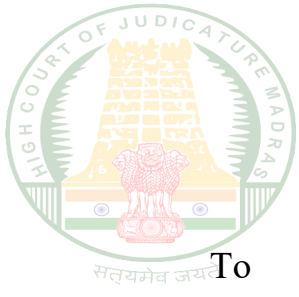
6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.651/BBCDEFGISSV/2025 dated 04.09.2025, is set aside.

7. The detenu, viz., Surya, S/o.Dinakaran, 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.)
03-06-2026

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

Issue order copy today.
ars



HCP No. 2385 of 2025

To
WEB COPY

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Department Fort St.George,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai-600 066.
4. The inspector of Police
G-2, Periyamet Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
6. The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No. 2385 of 2025

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

ars

HCP No. 2385 of 2025

03-06-2026

Page 6 of 6