



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2389 of 2025

Banu
W/o.Ismail,
Door No. 15/A, Saratha Saibu Veethi,
Noorapath,
Podanur,
Coimbatore District.

..Petitioner(s)

Vs

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Police/Detaining Authority
Coimbatore city,
Coimbatore District.
3. The Superintendent of Prison
Central Prison-Coimbatore,
Coimbatore District.
4. State Rep. by its The Inspector of Police
Podanur Police Station,
Coimbatore District.

..Respondent(s)

**Prayer:**

Habeas Corpus petition filed under article 226 of Constitution of India for issuance of a writ of Habeas Corpus to call for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dt 20.08.2025 on the file of the 2nd respondent herein made in proceedings C.No. 140/G/IS/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely I.Syed Ali @ Nijamudeen S/o.Ismail, aged 34 years before this Hon'ble High court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore and thus render justice.

For Petitioner(s): Mr. D. Akash Kumar
for Mr.W.Camyles Gandhi

For Respondent(s): Mr. R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M.Sylvester John

ORDER

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

This HCP is filed by the mother of I.Syed Ali @ Nizamudin branded as a drug offender and detained in Central Prison, Coimbatore under order of detention dated 20.08.2025.

2.We have heard Mr.D.Akash Kumar, for Mr.Camyles Gandhi, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents.

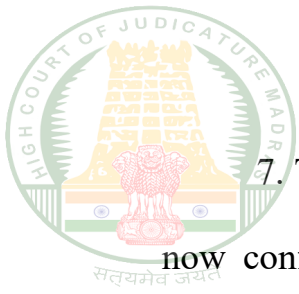


3. The detention order was assailed on various grounds, including the ground that the detaining authority has, in the grounds of detention, expressed his apprehension that the detenu would may be enlarged on bail by filing a bail application. For this purpose, he relies on the statement of the petitioner on the basis of which he apprehends the grant of bail.

4. Firstly, we have perused the statement avowedly executed by the petitioner which is placed at page 62 of volume I of booklet. This is an unsigned statement under Section 180(3) of BNSS that does not contain reference to Cr.No.347 of 2025 implicating the detenu. In such circumstances, we wonder as to whether at all that statement has been executed by the petitioner, and that too, in reference to the subject case.

5. We have been repeatedly expressing the opinion that, if at all a detaining authority is to rely on the statement of a relative, for his subjective satisfaction that the detenu may be enlarged on bail, it is necessary that such statement must be signed. In the absence of a signature of the person from whom the statement is recorded, we give no credence to the statement and hence, and, as a sequitur, disavow the subjective satisfaction of the authority in that regard.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.No. 140/G/IS/2025, dated 20.08.2025, is set aside.



7. The detenu, viz., I.Syed Ali @ Nijamudeen, S/o. Ismail, aged 34 years, now confined in Central Prison, Coimbatore, 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.)

21-04-2026

vs

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,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Police/Detaining Authority
Coimbatore city,
Coimbatore District.
3. The Superintendent of Prison
Central Prison-Coimbatore,
Coimbatore District.
4. The Inspector of Police
Podanur Police Station,
Coimbatore District.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order), Fort St.George, Chennai-9.



WEB COPY

HCP No. 2389 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

VS

HCP No. 2389 of 2025

21-04-2026