



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2421 of 2025

Jothi
W/o.Govindan,
No. 3/25 New no. 47/3, Leprosy Colony,
Maruthamalai Adivaram,
Coimbatore District.

..Petitioner(s)

Vs

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. Commissioner of Police/Detaining Authority
Coimbatore City,
Coimbatore District.
3. The Superintendent
Central Prison,Coimbatore.
4. The Inspector of Police
Vadavalli Police Station,
Coimbatore District.

..Respondent(s)

PETITION filed under Article 226 of the Constitution of India praying
for the issuance of Writ of Habeas Corpus to call for the records in connection



with the order of detention passed by the 2nd respondent dt. 02.09.2025 in C.No.151/G/IS/2025 against the petitioner husband C.Govindhan M/56 years, S/o.Chinnasamy, who is confined at Centrl Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenue before the Honble Court and set him at liberty.

For Petitioner(s): A.Saranraj

For Respondent(s): Mr.C.R. Malarvannan, Counsel For
Government Of Tamil Nadu (criminal Side)

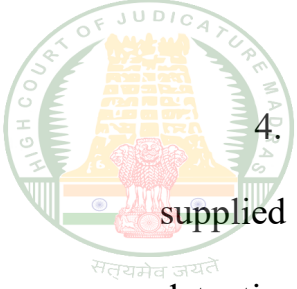
ORDER

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

The wife of the detenu – C.Govindhan, S/o. Adivaram, branded as Drug Offender and confined in Central Prison, Coimbatore under detention order dated 02.09.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.A.Saranraj, 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.



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4. We have perused the impugned detention order and the materials supplied along with the same. The detaining authority has justified the order of detention based on the statement recorded from the petitioner, placed at page 48 of the booklet furnished, to support his subjective satisfaction that the detenu will be enlarged on bail.

5. However, 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



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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. That apart, we also find that the aforesaid statement does not even contain the crime number relating to the detenu and in such circumstances, the credibility of the statement is further whittled down.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.No.151/G/IS/2025, dated 02.09.2025, is set aside.



9. The detenu, viz., C.Govindhan, S/o. Adivaram, aged 56 years, confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

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

05-06-2026

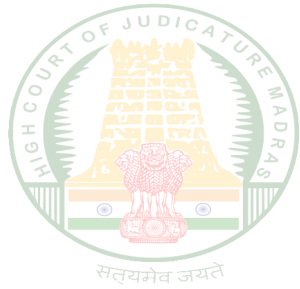
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SL

Note: Issue today.

To

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. Commissioner of Police/Detaining Authority
Coimbatore City,
Coimbatore District.
3. The Superintendent
Central Prison, Coimbatore.
4. The Inspector of Police
Vadavalli Police Station,
Coimbatore District.
5. The Public Prosecutor, High Court, Madras.
6. The Joint Secretary to Government Public
(Law and Order), Secretariat, Fort St. George,
Chennai – 9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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