



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-06-2026

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.2409 of 2025

S.Muthumari
W/o.Selvam,
No.83/3, Arunthathiyar Nagar,
Krishnapuram, Ponneri,
Thiruvallur District.
Present Address.
No.8, Burma Nagar, Anna Nagar,
Ponneri,
Thiruvallur District.

...Petitioner/Mother of
the detenu

Vs

1. The State of Tamil Nadu
Represented by the Secretary to the
Government
Prohibition and Excise Department,
Fort.St.George,
Chennai – 600 009.
2. The Commissioner of Police,
Greater Avadi City,
Chennai – 600 054.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. The Inspector of Police (Law and Order),
E-1 Ponneri Police Station,
Thiruvallur District.

...Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records pertaining to the Memo No.145/TNPD/APC/2025 dated 30.09.2025 on the file of the 2nd respondent herein and set aside the same and direct the respondents herein to produce the petitioner's Son Sakthi @ Bodu, Son of Selvam, aged 25 years, now confined in the Central Prison, Puzhal, before the Court and set him at liberty.

For Petitioner: Mr.Charles Kamalesh M.Appaji

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 mother of the detenu – Sakthi @ Bodu, S/o Selvam, aged 25 years, has filed this petition challenging the detention order dated 30.09.2025, branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2.Heard the learned counsel for the petitioner and the 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



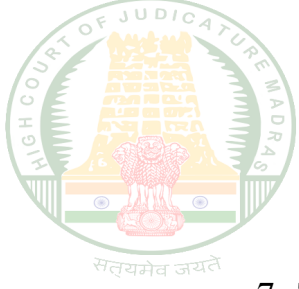
detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

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4. The detaining authority has relied upon a statement said to have been made by the mother 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 mother of the detenu is neither signed nor dated. 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 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 wrong 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.145/TNPD/APC/2025 dated 30.09.2025 is set aside.



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7. The detenu, viz., Sakthi @ Bodu, S/o Selvam, aged 25 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

Note: Issue Order Copy today.

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To

1. The Secretary to the Government
Prohibition and Excise Department,
Fort.St.George,
Chennai – 600009.
2. The Commissioner of Police
Greater Avadi City,
Chennai.
3. The Superintendent of Prison
Central Prison Puzhal,
Chennai.



4. The Inspector Of Police (Law and Order)
E-1 Ponneri Police Station,
Thiruvallur District.

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5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

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