



HCP No.2447 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2447 of 2025

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Palanisamy
S/o.Thillai Chidambaram,
No. 10/6, Manikandan 1st Street,
Old Washermenpet,
Chennai - 600 021.

..Petitioner/Detenue

Vs

1. The State of Tamil Nadu
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
W13, AWPS Washermenpet Police Station,
Chennai.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records relating to the proceedings of the 2nd respondent herein 855/BBCDEFGISSSV/2025 dated 27.10.2025 and quash the same and produce the detenue Palanisamy, S/o.Thillai Chidambaram now detained at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner: Mr.S.K.Mageshwaran

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 petitioner/detenu – Palanisamy, S/o.Thillai Chidambaram, aged 42 years, has filed this petition challenging the detention order dated 27.10.2025, branding him as a ‘Sexual Offender’ under Section 2(ggg) 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 (Crl.Side) for the respondents.



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3. It is seen from the grounds of detention that the detenu is in remand and he had moved a bail and the same was dismissed on 17.10.2025. The detaining authority has referred to the bail granted to some other accused by the Special Court for Exclusive Trial of Cases under Protection of Children from Sexual Offences Act, Chennai – 600 104 in CrI.M.P.No.1051 of 2025 to infer that in a similar case, bail was granted by the Court. However, the said order was not furnished to the detenu. In the absence of the said order, the detenu would have no opportunity to verify whether the facts in the said case were similar. Further, it is not known on what basis the detaining authority has observed that the two cases are similar. It is well settled that if the relied upon documents are not furnished to the detenu, his right to make effective representation would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of relevant documents to the detenu renders the detention illegal.



4. Secondly, 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.

5. On 03.03.2026, in HCP Nos. 2129, 2179 and 2340 of 2025, we had held that the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application. We had reiterated and clarified this view in a subsequent case, i.e., HCP No.2356 of 2025 dated 22.06.2026, after we were informed that our view was held to be *per incuriam* by a Co-ordinate Bench of this Court in HCP (MD) N0.369 of 2026 dated 19.06.2026. We have held that only a signed statement of a relative can be relied upon by the detaining authority to satisfy himself as regards the possibility of the detenu filing a bail application and that a Section 180(3) of BNSS statement cannot be the basis for such a satisfaction.

6. Therefore, the reliance placed on the said statement recorded under Section 180(3) of BNSS, by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail



HCP No.2447 of 2025

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. For both the reasons, the detention order is liable to be quashed.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.855/BBCDEFGISSSV/2025 dated 27.10.2025, is set aside.

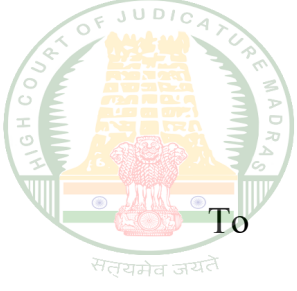
8. The detenu, viz., Palanisamy, S/o.Thillai Chidambaram, aged 42 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
02-07-2026

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

Issue order copy today.

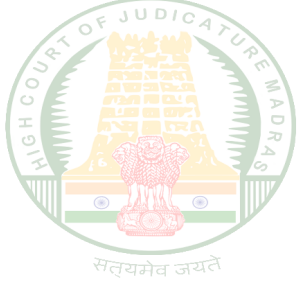
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To

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1. The Additional Chief Secretary to Government,
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Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai -600 007.
3. The Superintendent of Prison
Central Prison,
Puzhal, Chennai -600 066.
4. The Inspector of Police,
W13, AWPS Washermenpet Police Station,
Chennai.
5. The Joint Secretary
Law and Order Department
Secretariat, Chennai.
6. The Public Prosecutor,
High Court, Madras.



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HCP No.2447 of 2025

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

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