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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2478 of 2025

Nanthini
D/O Thirupathy,
No.35B, Mathiyazhagan Street,
Nehru Nagar,
Velacherry,
Chennai.

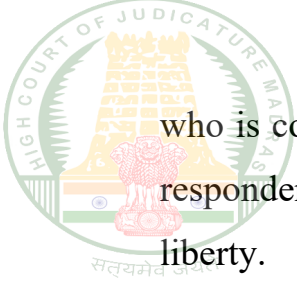
..Petitioner(s)

Vs

1. The Secretary To The Government
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
Central Prison,
Puzhal.
4. The Inspector Of Police
J-7 Velachery Police Station,
Chennai.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ call for the records in Connection with the order of Detention passed by the second respondent 03.09.2025 in BBCDEFGISSSV No.637 of 2025 against the petitioner's Father Thirupathy, male aged 46 years S/o Vellaisamy Thevar



who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before the Honourable Court and set him at liberty.

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For Petitioner(s): MR.P.RAMAN

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 daughter of the detenu - Thirupathy, S/o.Vellaisamy Thevar, branded as Drug Offender and confined in Central Prison, Puzhal, Chennai under detention order dated 03.09.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.P.Raman, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

3.The detention order was assailed on various grounds, including 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.We have perused the statement avowedly executed by the petitioner



which is placed at page 101 of volume I of booklet. This is an unsigned statement referring to Section 180(3) of BNSS and hence it is uncertain as to whether at all the 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 No.637/BBCDEFGISSSV/2025, dated 03.09.2025, is set aside.

7. The detenu, viz., Thirupathy, S/o.Vellaisamy Thevar, aged 46 years, confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

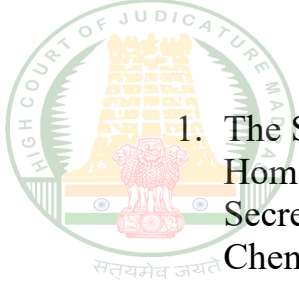
(A.S.M.,J.) (S.M.,J.)
05-06-2026

Neutral Citation: Yes

SSM

Note to Registry : Issue Today

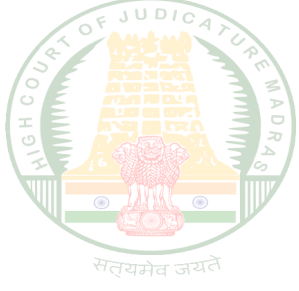
To



1. The Secretary To The Government
Home Prohibition and Excise Department,
Secretariat,
Chennai – 600009.

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2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
Central Prison,
Puzhal.
4. The Inspector Of Police
J-7 Velachery Police Station,
Chennai.
5. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George,
Chennai – 9.
6. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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