



WEB COPY

HCP No.2494 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2494 of 2025

D.Porselvi
W/o.Dhakshinamoorthy
No.48 PM Dhargah 2nd Street,
Triplicane,
Chennai-600 005.

...Petitioner/Detenu's
Mother

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police
Office of the Commissioner of Police,
Greater Chennai Police, Vepery, Chennai.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
E2 Royapettah Police Station,
Chennai.

...Respondents



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 order of detention passed by the second respondent in his proceedings in No.645/BBCDEFGISSSV/2025, dated 04.09.2025 and quash the same as illegal and produce the detenu, namely Sujith S/o.Dhakshinamurthy, aged 20 years GOONDA, now he is confined in Central Prison, Puzhal II, Chennai before this Court and set him at liberty.

For Petitioner: Mr. C.Vignesh

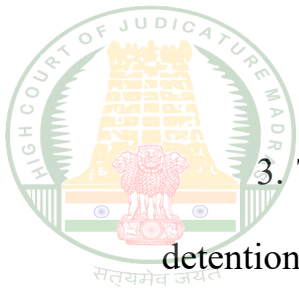
For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John

ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of the detenu – Sujith S/o.Dhakshinamurthy, aged 20 years, has filed this petition challenging the detention order dated 04.09.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for 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.

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 unsigned. 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.645/BBCDEFGISSSV/2025 dated 04.09.2025 is set aside.



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7. The detenu, viz., Sujith, S/o.Dhakshinamurthy, aged 20 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.)
29-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Issue order today

dk

Copy to:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police, Vepery, Chennai.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
E2 Royapettah Police Station,
Chennai.



5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.

6. The Public Prosecutor,
High Court of Madras.

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

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