



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.2515 of 2025

Meenakshi
W/o.Murali,
No.4/4,
Pallikooda Street,
Karambakkam,
Porur,
Chennai 600 116.

...Petitioner/Mother of
the detenu

Vs

1. State Rep. By
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison - II,
Puzhal,
Chennai.
4. The Inspector of Police (L & O),
R-9, Valasaravakkam Police Station,
Chennai.

...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 order of Detention dated on 09.09.2025 passed by the 2nd respondent in No. 658/BBCDEFGISSSV/2025 and quash the same as illegal and direct the respondent to produce the detenu Thiru.Abinash S/o.Murali Male, aged about 19 years , now confined at Central Prison -II, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.Senthil Kumar

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 – Abinash S/o.Murali, aged 19 years, has filed this petition challenging the detention order dated 09.09.2025, 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 Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.



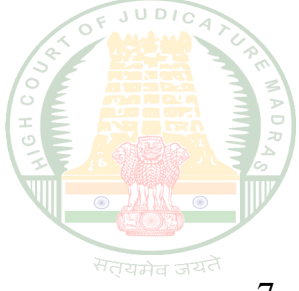
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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers 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 erroneous 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. 658/BBCDEFGISSSV/2025 dated 09.09.2025 is set aside.



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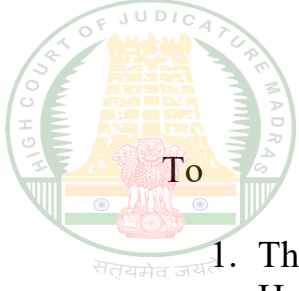
7. The detenu, viz., Abinash S/o.Murali, aged 19 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

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

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

Issue order copy today.

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1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Government of Tamilnadu,
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Chennai 600 009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
Central Prison-II,
Puzhal, Chennai.
4. The Inspector of Police (L & O),
R-9, Valasaravakkam Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department, Secretariat, Chennai.
6. The Public Prosecutor,
High Court, Madras.



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

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