



HCP No. 2553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2553 of 2025

V.Nirmala

..Petitioner(s)

Vs

1. The State of Tamil Nadu Represented by
The Secretary to Government,
Home,Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvarur District,
Tiruvarur.
3. The Superintendent of Police
Tiruvarur District,
Tiruvarur.
4. The Superintendent of Prison,
Central Prison,
Tiruchirapalli.
5. The Inspector of Police
Tiruvarur Town Police Station,
Tiruvarur District.

..Respondent(s)



HCP No. 2553 of 2025

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 2nd respondent in C.O.C.No.27/2025 dated 08.10.2025 against the petitioner's son Arulmurugan, S/o. Vijayakumar, aged about 20 years, now confined at Central Prison, Tiruchirappalli and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.R.Suryakumaran

For Respondent(s): 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 – Arulmurugan, S/o. Vijayakumar, aged 20 years, has filed this petition challenging the detention order dated 08.10.2025, branding him as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned counsel for the 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/the petitioner herein, 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/petitioner herein is neither signed nor dated.

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

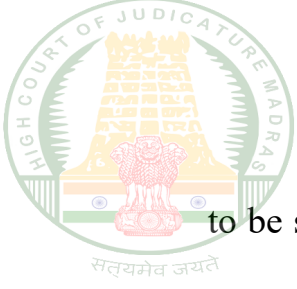


relative can be relied upon by the detaining authority to satisfy himself as regards the possibility of the detenu filing a bail application and that a Section 180(3) of BNSS statement cannot be the basis for such a satisfaction.

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 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.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.27/2025, dated 08.10.2025, is set aside.

8. The detenu, viz., Arulmurugan, S/o.Vijayakumar, aged 20 years, who is now confined in Central Prison, Tiruchirappalli, is hereby directed



HCP No. 2553 of 2025

to be set at liberty forthwith unless his presence is required in connection
with any other case.

(A.S.M.,J.) (S.M.,J.)
24-06-2026

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

Note: Issue Order copy today.

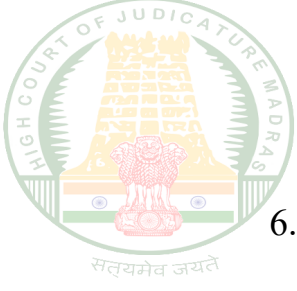
TSG

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvarur District,
Tiruvarur.
3. The Superintendent of Police
Tiruvarur District,
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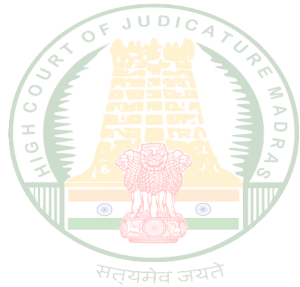


HCP No. 2553 of 2025



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



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HCP No. 2553 of 2025

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

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HCP No. 2553 of 2025

24-06-2026