



HCP No. 2533 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2533 of 2025

Seetha

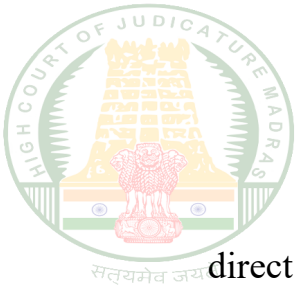
..Petitioner(s)

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 Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. State Rep.by Inspector of Police
B2, Esplanade Police Station,
Chennai.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records of the 2nd respondent pertaining to the order made in No.778/BBCDEFGISSSV/2025 dated 09.10.2025 in detaining the detenu under the Tamilnadu Act 14/1982 as a Goonda and quash the same and



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direct the respondents to produce the detenu, petitioner's husband namely Gopi @ Gopi nath (Detenue) aged about 27 years S/o. Anbu who is detained at the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s):	Mr.P.Sridhar
For Respondent(s):	Mr.C.R. Malarvannan, Counsel for Government of Tamil Nadu (Criminal Side)

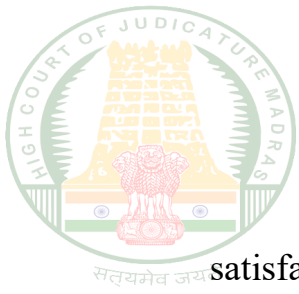
ORDER

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

The wife of the detenu – Gopi @ Gopinath, S/o.Anbu, aged 27 years, has filed this petition challenging the detention order dated 09.10.2025, branding him as 'Goonda' under Section 2(f) 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.

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



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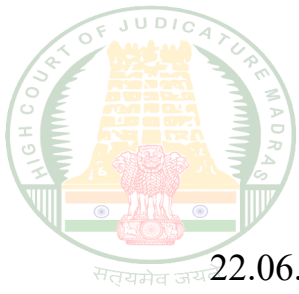
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satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4.In the grounds of detention, the detaining authority has stated that the detenu had moved a bail application before the Principal Sessions Judge, Chennai in Crl.M.P.No.9453 of 2025 and that the same was dismissed on 07.10.2025. The detaining authority has also stated that his relative is taking steps to take him out on bail; and that in a similar case, bail was granted by the Principal Sessions Judge, Chennai, to some other accused, in Crl.M.P.No.26094 of 2024 on 19.09.2024.

5.It is seen that the detaining authority has relied upon a statement said to have been made by the relative of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application.

6.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



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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.

7. 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.

8. That apart, the detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, the accused therein were granted bail because they had one previous case,



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whereas, in this case, the detenu has seven adverse cases. Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. For both the reasons, the detention order is liable to be quashed.

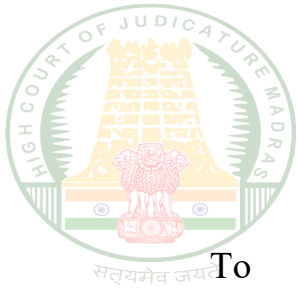
9. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.778/BBCDEFGISSSV/2025 dated 09.10.2025, is set aside.

10. The detenu, viz., Gopi @ Gopinath, S/o.Anbu, aged 27 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.)
29-06-2026

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

Note: Issue order copy today



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To
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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. State Rep.by Inspector of Police
B2, Esplanade Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat,
Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

TSG

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