



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2601 of 2025

Bavani
W/o. Munusamy,
No.1/4 Kulaikarai Street, Adaiyaalampattu,
Tiruvallur District.

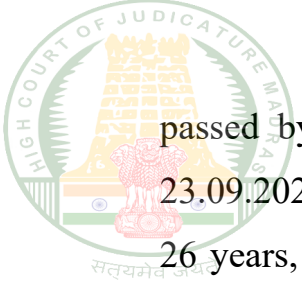
..Petitioner(s)

Vs

1. The Additional Secretary to Government(Home)
Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai, Chennai District.
3. The Superintendent of Prisons
The Central Prisons, Puzhal, Chennai District.
4. The Inspector of Police
T-5, Vangagaram Police Station,
Chennai District.

..Respondent(s)

PETITION filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Habeas Corpus or any other Writ or order in the nature of Writ call for the records in connection with order of the detention



passed by the 2nd respondent in vide No.723/BBCDEFGISSSV/2025 dated 23.09.2025 against petitioner son Udhayakrishnan S/o. Munusamy aged about 26 years, the petitioner son at present he is confined at Central Prison, Puzhal Chennai and set aside the same and direct the respondents to produce the detenu before this Honble Court and set him at liberty.

For Petitioner(s): T.Balachandran

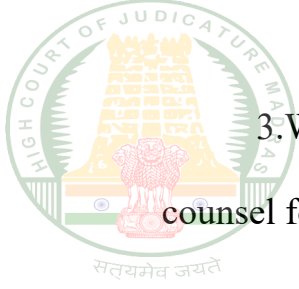
For Respondent(s): Mr. C.R. Malarvannan. Counsel For
Government Of Tamil Nadu (criminal
Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

One Udhayakrishnan S/o. Munusamy, has suffered an order of detention dated 23.09.2025 and his mother has approached this Court seeking to set aside the detention order.

2.Learned counsel appearing on behalf of the petitioner has raised various grievances as against the impugned order of detention. He also points out that the Special Report that forms an important basis for the grounds of detention, is not even dated and the statement recorded from the sister of the detenu under Section 180(3) of the BNSS, on the basis of which, the detaining authority has passed the detention order, has not been signed.



3. We have heard both learned counsel for the petitioner as well as learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

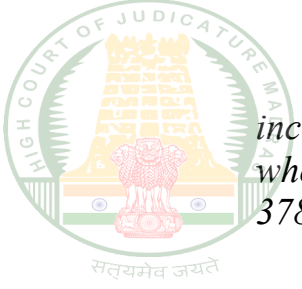
4. We have perused the Special Report which is placed at page 39 of the booklet furnished. As rightly pointed out, we find the same undated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the petitioner has been taken, the same ought to have been dated, to establish credibility. The absence of even basic details such as a date, vitiates the same.

5. We also find that the statement recorded from the sister of the detenu is not signed and hence there is nothing to support the satisfaction of the detaining authority that there are efforts on-going to secure bail for the detenu. If at all the authority wishes to rely on the statement, such statement would necessarily have to be signed by the relative to support the apprehension of the authority.

6. We have, in fact, taken a similar view in our order dated 03.03.2026 in HCP Nos. 2129, 2179 and 2340 of 2025 and the relevant paragraphs are extracted below:

8. On the first question whether bail applications have been filed at all, we have perused the booklets that contain the avowed statements of M.Pitchaiammal at page 147, Nagomi at page 146 and Mohan at page 148 of the booklet.

9. According to the petitioners, there are three flaws in the statements recorded. Firstly, they are unsigned, secondly, they are undated and thirdly, the crime number mentioned therein is



incorrect, insofar as the crime number mentioned is 332 of 2025, whereas the crime number in the ground case in all three cases is 378 of 2025.

10. Having considered the rival contentions, we agree with the petitioners that the statements relied upon by the respondents do not support their case. Firstly, the statements are indeed unsigned and undated. There is hence absolutely no clarity, much less certainty, as to when they were recorded.

11. The description of the statements on the top of the page refers to Section 180(3) of the BNSS which corresponds to Section 161 of the Criminal Procedure Code, 1973. A statement under Section 161 is recorded in the course of investigation and the provisions of Section 162 stipulate that such a statement is not expected to be signed. That may be so. However, since in the present cases, the respondents seek to draw the benefit of those statements, it is necessary for the statements to have been signed in order to support the conclusion that Pitchaiammal, Nagomi, and Mohan are taking steps to obtain bail in the cases of the respective detenus. In the absence of a signature, these statements cannot be relied upon for this purpose.

12.

13. We hence eschew the statements in toto for the purposes of the present cases. As a sequitur, subjective satisfaction of the Sponsoring Authority that M.Pitchaiammal, Nagomi and Mohan are taking steps to obtain bail, based on the above statements stands vitiated and the argument of the petitioners on this count is accepted.

7. The subjective satisfaction of the detaining authority is hence vitiated on this aspect, and non-application of mind is writ large in the matter.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.723/BBCDEFGISSSV/2025 dated 23.09.2025 is set aside.



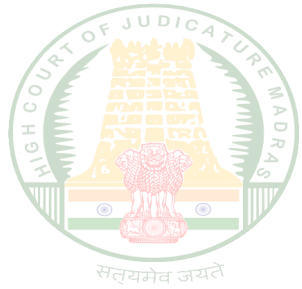
9. The detenu, viz., Udhayakrishnan S/o. Munusamy, aged 26 years, who is now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
08-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
SL
Note: Issue today.

To

1. The Additional Secretary to Government(Home)
Prohibition and Excise Department, Secretariat,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai. Chennai District.
3. The Superintendent of Prisons
The Central Prisons, Puzhal, Chennai District.
4. The Inspector of Police
T-5, Vangagaram Police Station, Chennai
District.
5. The Public Prosecutor, High Court, Madras.
6. The Joint Secretary to Government, Public (Law
and Order), Secretariat, Fort St. George, Chennai
– 9.



WEB COPY



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

HCP No. 2601 of 2025

08-06-2026