



WEB COPY

HCP No. 2604 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No.2604 of 2025

A.Kalaiarasi
W/o Arul
No.121, Annai Sathya Nagar, 1st Street
Anna Nagar, Chennai District-02

Petitioner

Vs

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat, Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison Puzhal-II, Chennai District
4. The Inspector of Police (Law and Order)
K-2, Ayanavaram Police Station, Chennai District

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order in No.296/BCDFGISSSV/2025 dated 02.06.2025 on the file of the respondent No.2 and Quash the same and direct the respondents to produce the person of petitioner's son one named Mr.Surya @ Kaattappa, S/o Arul aged about 22 years, now confined at Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty forthwith.

For Petitioner: Mr.P.Muthamizh Selvakumar



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

ORDER
(Order of the Court was made by P.Velmurugan J.)

The petitioner, who is the mother of the detenu, viz., Surya @ Kaattappa, S/o Arul, aged 22 years, now confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in proceedings No.296/BCDFGISSSV/2025 dated 02.06.2025.

2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

3. We have perused the detention order passed by the second respondent. In paragraph-4 of the grounds of detention, the detaining authority has stated that the detenu is in remand in K-2 Ayanavaram Police Station Crime Nos.91/2025 and 154/2025 and he has not moved any bail applications in respect of the third adverse case and the ground case so far and that the relatives of the detenu are taking steps to file bail applications in both the third adverse case and the ground case before the appropriate Court. The detaining authority has also relied upon the bail order granted in a similar case by the Principal



Sessions Court, Chennai in CrI.M.P.No.20525 of 2024 in respect of other accused and therefore there is a real possibility of the detenu coming out on bail in the third adverse case and the ground case.

4. It is seen that though the detenu has been arrested in the third adverse case and the ground case pertaining to Crime Nos.91/2025 and 154/2025 for the offence under Sections 126(2), 296(b), 115(2), 125, 311, 351(3) of Bharatiya Nyaya Sanhita, 2023, a perusal of the bail order in CrI.M.P.No.20525 of 2024 dated 29.07.2024 by the Principal Sessions Court, Chennai shows that the accused therein was arrested for the offence under Sections 126(2), 296(b), 115, 125, 309(4), 311, 351(2) of Bharatiya Nyaya Sanhita, 2023 in one solitary case. When the detenu did not move the bail applications in the third adverse case and the ground case, which are similar, the subjective satisfaction arrived at by the detaining authority that there is a possibility of the detenu coming out on bail in the third adverse case and the ground case, since the accused in similar case was earlier granted bail, suffers from total non-application of mind on the part of the detaining authority, which vitiates the impugned detention order.

5. In view of the above, this habeas corpus petition is allowed and the impugned detention order made in proceedings No.296/BCDFGISSSV/2025 dated 02.06.2025 on the file of the second respondent, is set aside. The detenu, namely, Thiru.Surya @ Kaattappa, S/o Arul, aged about 22 years, is directed to



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

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(P.VELMURUGAN J.) (M.JOTHIRAMAN J.)
16-02-2026

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

SS



To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai - 600009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison Puzhal - II, Chennai
4. The Inspector of Police (Law and Order)
K-2, Ayanavaram Police Station, Chennai
5. The Public Prosecutor
High Court, Madras



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