



WEB COPY

HCP No. 2584 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2584 of 2025

Sarala

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai - 600 066
4. The Inspector of Police,
F-1 Chintadripet Police Station,
Chennai District.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Writ Habeas Corpus, calling for the records relating to the detention order in 759/BBCDEFGISSSV/2025 Dated 06.10.2025 passed by the 2nd Respondent under the Tamil Nadu Act 14 1982 and quash the same and direct the Respondents to produce Meganathan @ Vasanth @ Daga, aged 26 Years, S/o Murugan @ Velachery Murugan, who is presently confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.



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For Petitioner(s):

Mr.P.Santhosh

For Respondent(s):

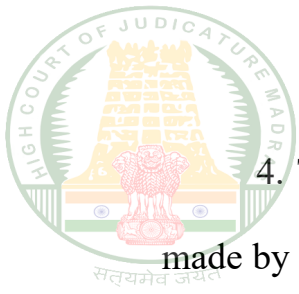
Mr.C.R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

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

The mother of the detenu – Meganathan @ Vasanth @ Daga, S/o Murugan @ Velachery Murugan, aged 26 years, has filed this petition challenging the detention order dated 06.10.2025, branding him as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

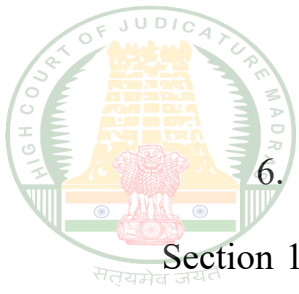
2. Heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.

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. The petitioner Sarala is the mother of the detenu. However, the sponsoring authority has obtained a statement under Section 180 (3) of BNSS from Nithya @ Agalya, aged 20 years, who claims to be the mother of the detenu. Since the detenu's age is 26 years, the said Nithya @ Agalya cannot be his mother. This raises a serious doubt on the veracity of the statement. The Detaining Authority ought not to have relied upon this statement to arrive at the subjective satisfaction that the detenu is likely to file a bail application.

5. In any case, 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 No.759/BBCDEFGISSSV/2025 dated 06.10.2025, is set aside.

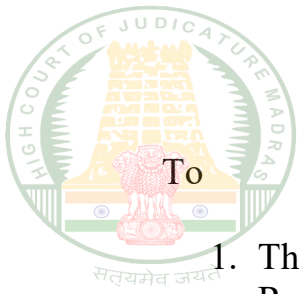
8. The detenu, viz., Meganathan @ Vasanth @ Daga, S/o.Murugan @ Velachery Murugan, aged 26 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
01-07-2026

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

TSG

Note: Issue order copy today



To

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai - 600 066
4. The Inspector of Police,
F-1 Chintadripet Police Station,
Chennai District.
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.**

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