



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2670 of 2025

Rukumani
S/o.Yuvaraj,
No.20/5, Andiappan Street,
Old Washermenpet,
Chennai.

...Petitioner/Mother of
the Detenue

Vs

1. State of Tamil Nadu represented
By Secretary to the Government,
Home Prohibition and Excise Department,
Fort.St. George,
Chennai – 600009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records of the 2nd respondent pertaining to the order made in 883/BBCDEFGISSSV/2025 dated 31.10.2025 in detaining the detenue under the Tamil Nadu Act 14/1982 as a brand of Goonda



and quash the same and direct the respondents to produce the detenue, namely Madhan @ Damage Madhan S/o Yuvaraj, aged 20 years who is detained at the Central Prison Puzhal, Chennai before this Court and set him at liberty.

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For Petitioner:

Mr.Karthick S

For Respondents:

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 – Madhan @ Damage Madhan, S/o Yuvaraj, aged 20 years, has filed this petition challenging the detention order dated 31.10.2025, 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 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.

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. Further, we find the said statement is not even dated. The date on which the statement is made would be relevant for the purpose of arriving at the aforesaid subjective satisfaction. In the absence of the date, that would be vitiated on this ground also.

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.

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7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.883/BBCDEFGISSSV/2025 dated 31.10.2025, is set aside.

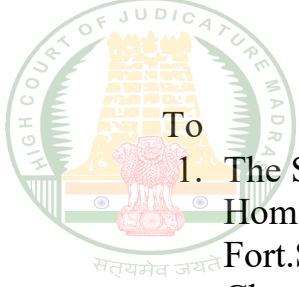
8. The detenu, viz., Madhan @ Damage Madhan, S/o. Yuvaraj, aged 20 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
30-06-2026

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

Note: Issue Order copy today.

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To

1. The Secretary to the Government
Home Prohibition and Excise Department,
Fort.St.George,
Chennai – 600009.

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2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police
H-1 Washermenpet 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.
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HCP No. 2670 of 2025

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