



WEB COPY

HCP No. 60 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 60 of 2026

Raju
S/o.Chinappan,
No.1, Thandavan Kottai,
Oothupaliathur,
Dharmapuri District.

..Petitioner(s)

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Salem city, Salem.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Sooramangalam Police Station,
Salem district.

..Respondent(s)

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Habeas Corpus or direction or order in the nature of writ to call for the records pertaining to the order of detention passed by the 2nd respondent in No.C.M.P.No.59/Goonda/Salem city/2025 dated 30.09.2025



against the petitioners brother Thiru.Dharma @ Dharmaraji, male aged 45 years now confined in Central Prison, Salem 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): Mr.T.Balaji for Mr.M.Vignesh

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

ORDER

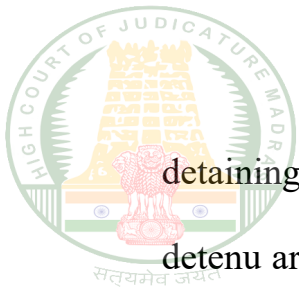
(Order of the Court was made by Dr.Anita Sumanth J.)

The brother of the detenu – Dharma @ Dharmaraji, S/o Kandasamy, branded as Goonda and confined in Central Prison, Salem under detention order dated 30.09.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.T.Balaji, learned counsel appearing for Mr.M.Vignesh, learned counsel on record for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents.

3. Though several grounds have been raised in this HCP, the main ground that appeals to us relates to the subjective satisfaction of the detaining authority that the detenu may be enlarged on bail.

4. It is an admitted position that neither the detenu nor his family members have moved bail application and this fact has been noted by the



detaining authority. However, he goes on to apprehend that the relatives of the detenu are taking steps to enlarge him on bail. For this purpose, he relies on the statement allegedly recorded from the sister of the detenu. A copy of the statement is placed at page 45 of the booklet furnished.

5. We find, on a perusal of the same, that that statement recorded under Section 180(3) of the BNSS is not signed. 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.

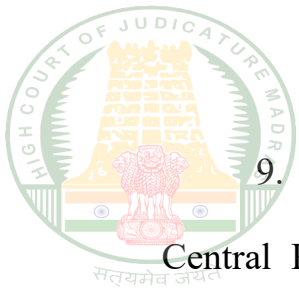
11. The description of the statements on the top of the page refers to Section 180(3) of the BNSS which corresponds to Section 161 of the Criminal Procedure Code, 1973. A statement under Section 161 is recorded in the course of investigation and the provisions of Section 162 stipulate that such a statement 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. In addition, we also noticed that the final report, placed at pages 17 to 22 of the booklet furnished, contains several fields, which are in English, particularly the tabulation in Serial No.13, with the heading ‘particulars of witness examined’. However, the document has not been translated in the language known to the detenu.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.59/Goonda/Salem city/2025 dated 30.09.2025, dated 30.09.2025, is set aside.



9. The detenu, viz., Dharma @ Dharmaraji, aged 45 years, confined in Central Prison, Salem, 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/Non-speaking order
Neutral Citation: Yes/No
SL

Note: Issue today.

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Salem city, Salem.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Sooramangalam Police Station,
Salem district.
5. The Public Prosecutor, High Court, Madras.
6. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai-600 009.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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