



HCP No.2657 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.2657 of 2025

Sharmila

W/o. Jayaprakash,

No.465/B, TNHB Colony, Phoneix Back Side,
Velachery, Chennai District.

...Petitioner/Wife of the
detenue

Vs

1. The Additional Chief Secretary to the
Government,
Home, Prohibition and Excise (XVI)
Department,
Secretariat, Chennai - 600 009.
2. Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal-II,
Chennai District.
4. The Inspector of Police,
Law and Order,
S-8, Adambakkam Police Station,
Chennai District.

...Respondents



HCP No.2657 of 2025

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the detention order in No.831/BBCDEFGISSSV/2025 dated 22.10.2025 on the file of the Respondent No.2 and quash the same and direct the Respondents to produce the person of petitioner husband one named Thiru.Jayaprakash @ Prakash S/o. Murugan, aged about 31 years now confined at Central Prison, Puzhal before this Court and set him at Liberty.

For Petitioner:

Mr.P.Muthamizhselvakumar

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 wife of the detenu – Jayaprakash @ Prakash S/o. Murugan, aged 31 years, has filed this petition challenging the detention order dated 22.10.2025, 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 brother of the detenu, under Section 180(3) of the BNSS that he is taking steps to file a bail application in the ground case. However, we find that the statement of the brother of the detenu is neither signed nor dated.

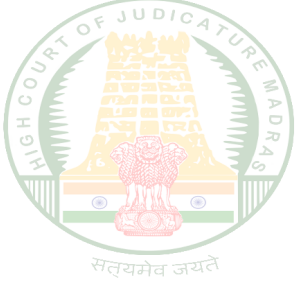
5. On 03.03.2026, in HCP Nos. 2129, 2179 and 2340 of 2025, we had held that the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application. We had reiterated and clarified this view in a subsequent case, i.e., HCP No.2356 of 2025 dated 22.06.2026, after we were 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.

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. Therefore, the reliance placed on the said statement 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.



HCP No.2657 of 2025

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8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.831/BBCDEFGISSSV/2025 dated 22.10.2025 is set aside.

9. The detenu, viz., Jayaprakash @ Prakash S/o. Murugan, aged 31 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.)
24-06-2026

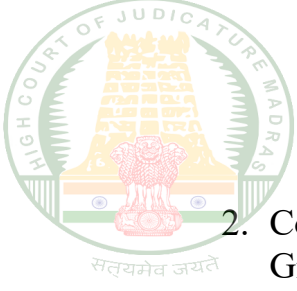
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Issue Order copy today.

dk

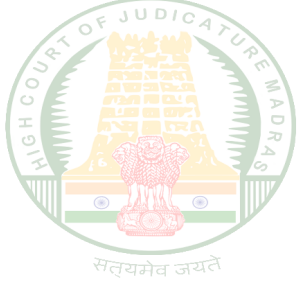
To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department,
Secretariat, Chennai - 600 009.



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2. Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal-II,
Chennai District.
4. The Inspector of Police,
Law and Order,
S-8, Adambakkam 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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HCP No.2657 of 2025

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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HCP No. 2657 of 2025

24-06-2026