



HCP No.276 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.276 of 2026

Shanmuga Deepa

...Petitioner(s)

Vs

1. The State Rep. by
The Additional Chief Secretary to Government
Department of Home,
Prohibition and Excise, Secretariat,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police
Commissioner Office,
Sankari Main Road, Linemedu,
Gugai, Salem- 636 001.
3. The Superintendent of Prisons
Central Prison, Salem- 636 007.
4. The Superintendent of Prisons
Central Prison, Arisipperiyanakuppam,
Cuddalore- 607 003.
5. The Sub- Inspector of Police
Hasthampatti Police Station,
No.14, W Vinayagar Kovil St.,
MBS Nagar, Hasthampatti,
Salem- 636 007.

...Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records pertaining to the order of detention passed by the 2nd respondent in Cr.M.P.No. 43/Goonda/Salem City/2025 D1 dated 20.08.2025 against Esakkiraja @ Chinnathambi, M/A35 years, S/o.Kasi, No. 105-1/54, Arumuganeri, Perumalpuram, Tiruchendur Taluk, Thoothukudi District - 628 215, to be confined in Central Prison, Salem presently confined in Central Prison, Cuddalore and set aside the impugned order and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner: Ms.Thenmozhi Shivaperumal

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor
assisted By
Mr. M. Sylvester John

ORDER

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

The wife of the detenu – Esakkiraja @ Chinnathambi, S/o.Kasi, aged 35 years, has filed this petition challenging the detention order dated 20.08.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).



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2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for 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 sister of the detenu under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the said statement is neither dated nor signed. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. 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. The



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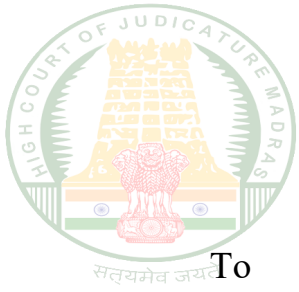
inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.

6. 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.43/Goonda/Salem City/2025 dated 20.08.2025 is set aside.

7. The detenu, viz., Esakkiraja @ Chinnathambi, S/o.Kasi, aged 35 years, who is now confined in Central Prison, Salem, 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.)
27-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Note: Issue order today.
ars



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To

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1. The Additional Chief Secretary to Government
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Prohibition and Excise,
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2. The Commissioner of Police
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6. The Public Prosecutor
High Court of Madras.



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

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