



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 664 of 2026

Abinaya
Suriya,
No.96A, 35th Street,
TVS Avenue, Round Building,
J.J.Nagar, Chennai.

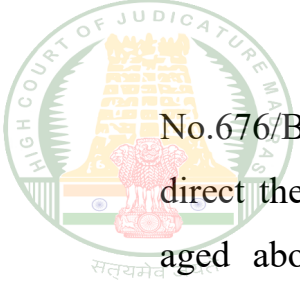
..Petitioner(s)

Vs

1. Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai.
3. The Superintendent
Central Prison, Salem.
4. The Inspector Of Police
K6, T.P.Chatiram Police Station,
Chennai.

..Respondent(s)

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Habeas Corpus Petition or any other appropriate writ, order or direction in the nature of writ, calling for the records of the second respondent herein pertaining to the detention order made in Memo



No.676/BBCDEFGISSSV/2025, dated 12.09.2025 and quash the same and direct the respondents to produce the detenu namely Suriya @ Kolaru Suriya aged about 23 years, now detained in Central Prison, Salem before this Honourable Court and set the detenu at liberty.

For Petitioner(s): No appearance

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

ORDER

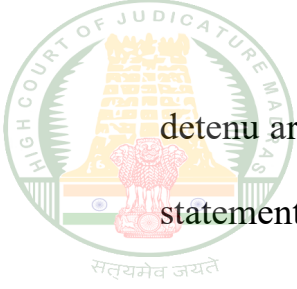
(Order of the Court was made by Dr.Anita Sumanth J.)

The mother of the detenu – Suriya @ Kolaru Suriya, S/p Rajan, branded as Goonda and confined in Central Prison, Salem under detention order dated 12.09.2025 has challenged the order of detention in this HCP.

2. There is no appearance for the petitioner and we have heard 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 father of the detenu.

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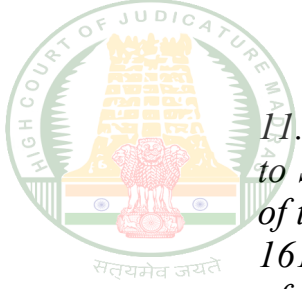
5. We find, on a perusal of the same, that that statement recorded under Section 180(3) of the BNSS is not signed. Hence there is nothing to support the satisfaction of the detaining authority that there are efforts on-going to secure bail for the detenu. If at all the authority wishes to rely on the 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.



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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 detenues. 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, the detaining authority has also referred to the bail order passed in Crl.O.P.No.30749 of 2024 by this Court. Though the charges are one and the same in the case of that accused and the present detenu, the facts are distinguishable. That was a case of patricide where the father of the accused had been pushed and had been done away with on account of grave and sudden provocation, whereas in the present case those facts do not arise.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.676/BBCDEFGISSSV/2025, dated 12.09.2025, is set aside.



9. The detenu, viz., Suriya @ Kolaru Suriya, aged 23 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.

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(A.S.M.,J.) (S.M.,J.)

05-06-2026

Index: Yes/No

Speaking/Non-speaking order

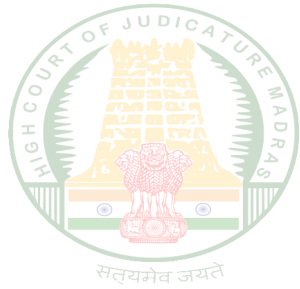
Neutral Citation: Yes/No

SL

Note: Issue today.

To

1. Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
2. The Commissioner of Police
Greater Chennai, Vepery,
Chennai.
3. The Superintendent
Central Prison, Salem.
4. The Inspector Of Police
K6, T.P.Chatiram Police Station,
Chennai.
5. The Joint Secretary to Government Public (Law
and Order), Fort St.George, Chennai – 9.
6. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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