



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2732 of 2025

M.Abitha Banu
W/o Mohamed Mustafa,
No.95A, Perumal Kovil Street,
Amman Street, Madhavaram Milk Colony,
Chennai.

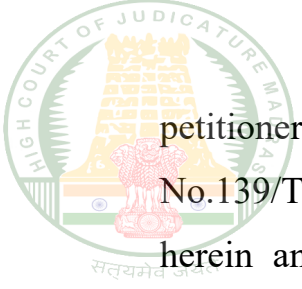
..Petitioner(s)

Vs

1. Government of Tamil Nadu Rep. By its
The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police
Avadi City.
3. The Inspector of Police
M6-Manali Police Station,
Manali, Chennai.
4. The Superintendent of Police
Central Prison, Puzhal, Chennai.

..Respondent(s)

Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a WRIT OF HABEAS CORPUS or any other appropriated writ, order or direction in the nature of a writ of Habeas Corpus to call for the entire records culminating in the passing of the order of detention the



petitioners son of the detenue under act 1982 as Goondas vide detention order in No.139/TNPD/APC/2025 dated 23.09.2025 on the file of the 2nd respondent herein and quash the same as illegal and person of the detenue by name Mohamed Azarudeen @ Bhagavan, age 27 years son of Mohamed Mustafa, before this Honourable Court and set him at liberty from the detention now contained at Central Prison, Puzhal.

For Petitioner(s): MR. P. Yukesh Kumar
for MR.A.Vijayasankar

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

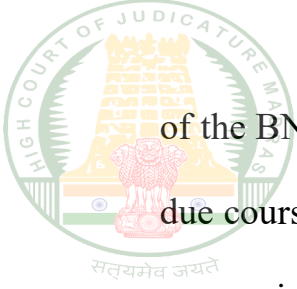
ORDER

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

The mother of the detenu – Mohamed Azarudeen @ Bhagavan, S/o. Mohamed Mustafa, branded as Goonda and confined in Central Prison, Puzhal, Chennai under detention order dated 23.09.2025 has challenged the order of detention in this HCP.

2. We have heard Mr.P.Yukesh Kumar, learned counsel for Mr.A.Vijayasankar, 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. One of the grounds in the detention order dated 23.09.2025 is that the detenu may be enlarged on bail. The detaining authority referred to the statement allegedly recorded from the sister of the detenu under Section 180(3)



of the BNSS to the effect that they have not filed bail petition at that time, but in due course of time, she will make an attempt to file a bail application before the appropriate Court. A copy of the statement has been placed at page No.78 of the booklet.

4. However, we find that the statement is neither dated nor signed and 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.

5. 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



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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 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.

6. In addition, the detaining authority has also referred to the bail order passed by this Court in Crl.O.P.No.24833 of 2023. We do not believe that that order is comparable and ought not to have been invoked for the reason that that accused had no previous case, whereas in the present case, the detenu has 3 previous cases. Hence, we are confident that the bail Court could appreciate the gravity of the charges in the present case while considering the application for bail.



7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Memo No.139/TNPD/APC/2025 dated 23.09.2025, is set aside.

8. The detenu, viz., Mohamed Azarudeen @ Bhagavan, aged 27 years, confined in Central Prison, Puzhal, Chennai, 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 order

Neutral Citation: Yes

SL

Note: Issue today.

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police, Avadi City.
3. The Inspector of Police
M6-Manali Police Station, Manali, Chennai.
4. The Superintendent of Police
Central Prison, Puzhal, Chennai.
5. The Public Prosecutor, High Court, Madras.
6. The Joint Secretary to Government
Public (Law & Order) Fort St. George, Chennai.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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