



HCP(MD)No.566 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.566 of 2026

Keshaw Anand

... Petitioner

Vs

1. The State of Tamilnadu, rep by The Secretary,
Home Department
Secretariat Fort St George
Chennai 600 009

2. The State of Uttar Pradesh rep by The Secretary
Home Department
Lok Bhawan C Block
Lucknow 226 001

3. The State of Tamilnadu rep by The Director General of Police
Tamilnadu Police Headquarters
No.1 Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004

4. The State of Tamilnadu
rep by The Commissioner of Police
Tiruchirappalli City Subramaniyapuram
Tiruchirappalli 620 020



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5. State Of Tamilnadu Rep By Inspector Of Police
Cantonment Police Station
Tiruchirappalli

6. The State of Tamilnadu
rep by The Inspector of Police
Junction Railway Station Police Station
Tiruchirappalli Junction
Tiruchirappalli

7. The Director General of Police
Uttar Pradesh Police Headquarters
9th Floor Tower 2
Gomtinagar Ext Shahid Path
Lucknow 226 002

8. The Additional Superintendent of police
STF Field Unit
Noida

9. The Commissioner of Police
Commissionerate
Gautam Budh Nagar
Sector 108 Noida
Uttar Pradesh 201306

10. The Inspector
Phase 2 Police Station
Gautam Buddh Nagar
Uttar Pradesh 226 002

11. The State of Taminadu
rep by The Divisional Security Commissioner/Commandant
Railway Protection Force
Trichy Division
Trichy 4



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12. The Jail Superintendent
Gautam Buddh Nagar District Jail
Luksar Village
Gearter Noida
Uttar Pradesh 201 310

Respondents

PRAYER :-Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the petitioners elder brother Aditya Anand, S/o.Amit Kumar Deo (late) aged 28 yrs, presently being confined in unlawful custody at Gautam Buddh Nagar District Jail, Luksar, Uttar Pradesh and set him at liberty by holding his interstate arrest and transit from Tamil Nadu to Uttar Pradesh as entirely without authority of law, contrary to Articles 21(1) & 21(2) and statutory procedures of remand including transit remand, and hence, null and void and consequently direct compensatory damages for wrongful arrest and transit of Rs.25,00,000/- (Rupees twenty five lakhs only) to be paid to Aditya Anand jointly and severally by the respondents.

For Petitioner : M/s.D.Geetha

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor
for R1, R3 to R6 and R11

ORDER

(Order of the Court was made by N. ANAND VENKATESH, J.)

This Habeas Corpus Petition has been filed by the brother of the detenu for the issue of a Habeas Corpus to produce the body or person of



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the detenu namely Aditya Anand, S/o.Amit Kumar Deo (late), who, according to the petitioner, has been illegally confined in custody at Gautam Budd Nagar District Jail, Luksar, Uttar Pradesh and to set him at liberty. The petitioner has also sought for payment of compensation and damages to the tune of Rs.25,00,000/- on the ground that the custody, arrest and transit of the detenu is illegal and contrary to Article 21 of the Constitution of India.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1,3 to 6 and 11.

3. The case of the petitioner is that the detenu namely Aditya Anand was staying at Trichy District in Tamil Nadu. On 18.04.2026, the mother of the detenu received a phone call at about 11.58 am., stating that the said Aditya Anand has been arrested. The petitioner's mother informed about the same to the petitioner and thereafter, steps were taken to trace the said detenu and to provide him with legal assistance. Ultimately it came to light that the Railway Protection Force, Trichy Division had taken the detenu under custody and handed over the custody to the police officials, who had come from Lucknow, even without proper transit warrant.



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4. The further case of the petitioner is that the detenu was produced before the remand Magistrate, viz., Magistrate of Gautam Budd Nagar and the learned Magistrate was informed on the side of the detenu that the detenu was illegally arrested without a valid transit warrant and therefore, the entire arrest and custody is illegal and is in gross violation of Article 21 of the Constitution of India. The learned Magistrate had considered the stand taken on the side of the defence and objections raised on the side of the police and passed a remand order dated 19.04.2026 and the relevant portions are extracted hereunder:

“From the perusal of the case record, it appears that at this stage, there exist sufficient prima facie grounds for granting remand. However, in the interest of justice, the remand of the accused, Aditya Anand, son of Amit Kumar, in Case Crime No. 163/2026 under the aforesaid sections of the BNS and the CLA Act, is found appropriate to be allowed from 19.04.2026 to 21.04.2026. The learned counsel for the accused is directed that, if he wishes to file detailed objections or submit relevant documents in respect of the remand, he may do so before the competent court within two days. The Investigating Officer is



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directed to produce the accused in person before the competent court on 21.04.2026.

Order

The remand application of the accused, Aditya Anand, son of Amit Kumar, in Case Crime No. 163/2026 under Sections 191(1), 191(2), 115(2), 121(1), 121(2), 125(1), 351(3), 352, 61(2) of the BNS and Section 7 of the CLA Act, is hereby allowed from 19.04.2026 to 21.04.2026. Accordingly, the objections are disposed of. The Investigating Officer shall produce the accused before the competent court on 21.04.2026. The remand of the accused shall be treated under Section 187 of the BNSS. The Jail Superintendent is authorized to keep the accused in custody until the stipulated date.”

5. It is under these circumstances, the present Habeas Corpus Petition came to be filed before this Court mainly on the ground that there is an illegal arrest of the detenu without a valid transit warrant and therefore, the consequential remand of the detenu is also illegal and therefore, the detenu is entitled to be set at liberty and the detenu is also entitled for payment of compensation for illegal arrest in violation of Article 21 of the Constitution of India.



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6. A mention was made before us today morning to move the case as a lunch motion and pursuant to the permission granted by us, the petition was numbered and listed before us during post lunch recess.

7. The learned counsel for the petitioner submitted that the detenu was a Software Engineer and he had dedicated his life for social work and for under privileged children. A police case came to be registered against him for offence under Sections 191(1), 191(2), 115(2), 121(1), 125(a), 351(3), 352 of BNS 2023 and Section 7 of Criminal Law (Amendment) Act, 1932 in Crime No.163 of 2026 on 12.04.2026. Thereafter, the police from Lucknow wanted to some how take the detenu on custody from Trichy. Since the same can be done only with a valid transit warrant, the Lucknow police also approached the learned Judicial Magistrate, No.II, Trichy by filing a petition and the learned Magistrate did not grant any permission. In spite of the same, the Railway Police, who had absolutely no jurisdiction, had taken the detenu on custody and handed over him to the special task force from Lucknow.



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8. We had put a pointed question to the learned counsel for the petitioner as to how this Court will have the jurisdiction to entertain the present Habeas Corpus Petition.

9. In reply to the same, the learned counsel for the petitioner submitted that when the detenu has been removed from Tamil Nadu without a valid transit warrant, the same amounts to illegal custody and therefore, even if there is a subsequent remand order, the same gets vitiated and therefore, this Court must direct the respondents to produce the person or body of the detenu before this Court considering the fact that the initial custody was illegal.

10. On the above reply given by the learned counsel for the petitioner, this Court brought to the notice of the learned counsel, the remand order that was passed by the remand Magistrate of Gautam Budd Nagar dated 19.04.2026, wherein, the learned Magistrate, in spite of being informed about the rejection of the transit warrant by the Judicial Magistrate, Trichy, had proceeded further to pass an order of remand and had also given a direction to the police to produce the detenu before the competent Court on



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24.04.2026. In view of the same, we informed the learned counsel for the petitioner that if this Court holds that the custody of the detenu is illegal, it will indirectly tantamount to setting aside the order passed by the remand Magistrate dated 19.04.2026. This Court does not have the territorial jurisdiction to test the order passed by the remand Magistrate dated 19.04.2026. Therefore, we informed the learned counsel for the petitioner that even assuming that the custody and arrest is illegal, it will be more appropriate for the petitioner to move the Allahabad High Court and seek for appropriate remedy since the said High Court will have the jurisdiction not only to go into the issue of alleged illegal custody and arrest but also can deal with the remand order passed by the remand Magistrate of Gautam Budd Nagar dated 19.04.2026.

11. The learned counsel for the petitioner submitted that this Court must hold that the custody of the detenu is illegal and thereafter the petitioner will go before the concerned Court and work out his remedy.

12. In our considered view, even assuming that the detenu has been removed from the State of Tamil Nadu without a transit warrant and had



been produced before the concerned remand Magistrate, the fact remains that the concerned remand Magistrate in spite of being informed about the fact that there is no valid transit remand, has thought it fit to pass a remand order on 19.04.2026 by holding that there are sufficient *prima facie* grounds for granting remand. Therefore, if we go into the legality or otherwise of the custody and remand of the detenu, we will have to necessarily go into the legality or otherwise of the order of the remand Magistrate and that will be beyond the territorial jurisdiction of this Court. Apart from the above, we also take into consideration the judgments of the Apex Court in

(i) ***Kanu Sanyal v. District Magistrate Darjeeling and others*** reported in ***1974 (4) SCC 141***;

(ii) ***J.Abdul Rahim, General Secretary, Indian National League party v. State of Tamil Nadu, rep. By the Secretary to Government*** reported in ***2014(2) CTC 290***;

(iii) ***State of Maharashtra and others v. Jasneem Rizwan Siddiquee*** reported in ***AIR 2018 SC 4167*** ;

(iv) ***Serious Fraud Investigation Office v. Rahul Modi*** reported in ***2019(5) SCC 266***; and

(v) ***V.Senthil Balaji v. State represented by Deputy Director*** reported



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in **2024 (3) SCC 51**, wherein, the Apex Court has consistently held that where the accused person has been remanded to judicial custody by virtue of a remand order, what can be tested thereafter is only the order of remand passed by the learned Magistrate and at that stage, the Court will not exercise its jurisdiction under Article 226 of the Constitution of India and issue a Habeas Corpus.

13. In the light of the above discussions, we do not intend to go into the legality or otherwise of the custody and arrest of the detenu and we leave it open to the petitioner to move an appropriate petition before the concerned Court and seek for appropriate remedy in accordance with law. Except giving this liberty, we are not inclined to go into the merits of the case.

14. The Habeas Corpus Petition is disposed of with the above terms.

(N.A.V.,J.) (K.K.R.K,J.)
27.04.2026

Index : Yes/No
Internet : Yes/No
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Chennai 600 009

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Madurai Bench of Madras High Court,
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