



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.484 of 2026

Jarina

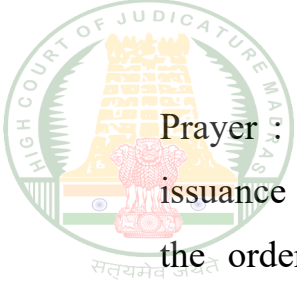
W/o. (Late). Abdul Jabar,
No.71, Chinniya Gounder Street,
West Palladam,
Tiruppur District.

...Petitioner/Mother of
the Detenue

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur,
Tiruppur District.
3. The Superintendent of Police,
Tiruppur,
Tiruppur District.
4. The Superintendent,
Central Prison,
Coimbatore District.
5. State Rep. by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

...Respondents



Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in Connection with the order of detention passed by the 2nd respondent dated 30.10.2025 in Cr.M.P.No.89/Goonda/2025 against the petitioner's son AARUN BASHA, M/23 Years, Son of Abdul Jabar, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner: Mr.A.Saranraj

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 mother of the detenu – Aarun Basha, aged 23 years, S/o.Abdul Jabar (late), has filed this petition challenging the detention order dated 30.10.2025, 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.

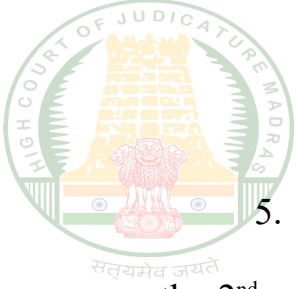
3. The detention order is liable to be quashed for more than one reason. It is seen that the detaining authority has stated in the grounds of detention that the detenu is in remand and has not filed any bail application. Further, he has



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stated that there is real possibility coming out on bail in the above case in future by filing bail petition in the concerned Court. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated.

4. Secondly, the detaining authority ought to have seen whether the facts in the bail orders relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority in CrI.M.P.No.3932 of 2023 by the Judicial Magistrate Court, Avinashi, for the offences under Sections 294(b), 323, 324 and 506(2) of the IPC, whereas, in this case, the detenu is accused of the offences under Sections 296(b), 115 (2), 118(1) 351(3) of BNS and Section 25(1A) of the Arms Act, 1959. Since the offences and the facts are not similar, the reliance placed by the detaining authority on the said orders, vitiate his subjective satisfaction as regards the possibility of the detenu coming out on bail.



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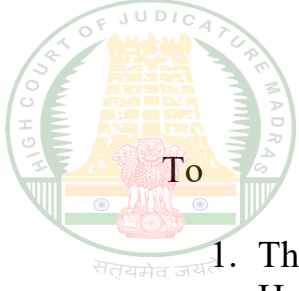
5. Thirdly, the Government Order delegating the power of detention to the 2nd respondent herein has not been enclosed in the booklet furnished to the detenu. It is well settled that if the relied upon documents are not furnished to the detenu, his right to make effective representation would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of relevant documents to the detenu renders the detention illegal.

6. For the aforesaid reasons, the detention order is liable to be quashed. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Cr.M.P.No.89/GOONDA/2025 dated 30.10.2025, is set aside.

7. The detenu, viz., Aarun Basha, aged 23 years, S/o.Abdul Jabar (late), who is now confined in Central Prison, Coimbatore, 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.)
14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Issue order copy today.
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Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Magistrate and District Collector,
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Tiruppur District.
3. The Superintendent of Police,
Tiruppur,
Tiruppur District.
4. The Superintendent,
Central Prison,
Coimbatore District.
5. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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

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