



WEB COPY

HCP No. 2254 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2254 of 2025

Lakshmi
W/o.Guna,
31, Stringer Street,
Broadway,
Chennai - 600 108.

..Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai - 600 007.
3. The Superintendent of Prisons,
Central Prison Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
K-11, CMBT Police Station,
Thiruvallur District.

..Respondent(s)

Prayer: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus or any other Writ or a directing, calling for the records relating to the detention order in 554/BBCDEFGISSSV/2025 Dated 11.08.2025 passed by the 2nd respondent



under the Tamil Nadu Act 14 of 1982 and quash the same and direct the respondents to produce the detenu Manikandan @ Madasamy, aged 32 years, S/o.Guna, who is presently confined in the Central Prison, Puzhal, Chennai before this Honble Court and set him at liberty.

For Petitioner(s): Mr. K. Selvamani
for Ms.Vindhiya

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor,
Asst. by Mr.M.Sylvester John

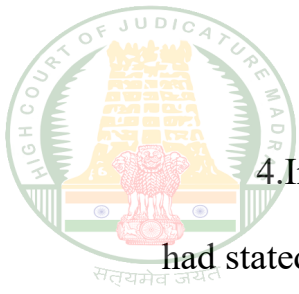
ORDER

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

The mother of detenu - Manikandan @ Madasamy, S/o. Guna, aged 32 years, has filed this petition challenging detention order dated 11.08.2025 branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

3.We find on perusal of the record that the detention order is liable to be quashed on the sole ground that the subjective satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.



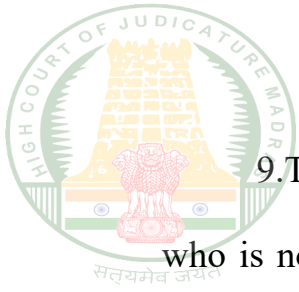
4. In paragraph no.4 of the grounds of detention, the detaining authority had stated that the detenu, who was in remand, had not filed any bail application and the relatives of the detenu were taking steps to file a bail application. The detaining authority had relied upon a statement of a relative to arrive at such a satisfaction.

5. Firstly, we find that the statement is said to have been made by the petitioner and that in the said statement, there is no reference to filing of the bail application in the ground case.

6. Secondly, this Court in HCP No.1684 of 2025, by the order dated 01.04.2026 had held that a statement recorded under Section 180(3) of BNSS, which does not require signature, is of no value and that only a signed statement of the relative would lend credence to the satisfaction of the detaining authority that the relative is taking steps to file a bail application and there is likelihood of the detenu being released on bail.

7. In the absence of any such statement, we are of the view that the inference of the detaining authority that the detenu is likely to be released on bail and thereafter, indulge in criminal activities, is without any basis. Hence, for both the reasons, the detention order is liable to be quashed.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.554/2025 dated 11.08.2025 is set aside.



9. The detenu, viz., Manikandan @ Madasamy, S/o. Guna, aged 32 years, who is now confined in Central Prison, Puzhal, Chennai, 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.)
20-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy on 20.04.2026

To

1. The State of Tamilnadu
Rep by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600 009.
2. The Commissioner Of Police,
Office of Commissioner of Police,
Greater Chennai - 600 007.
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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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