

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2313 of 2025

and Crl.M.P.No.5758 of 2026

Varsha
W/o.Faruk,
now residing at:
Gandhi nagar,
Mampattu village,
Vaiyavur post office,
Madurantakam taluka,
Chengalpattu district.
Tamilnadu- 603 308.

..Petitioner(s)

Vs

1. The State of Tamilnadu,
Represented by Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamilnadu,
Fort St.George, Chennai- 600 009.
2. The District Collector and District Magistrate
Chengalpattu District,
Chengalpattu- 603 002.
3. The Superintendent of Police,
Chengalpattu District,
Chengalpattu- 603 001.



4. The Superintendent of Prison
Chennai Central Prison, Puzhal-II,
Chennai - 600 066.

5. The Inspector of Police
G-1, Madurantakam Police Station,
Chengalpattu district,
Chengalpattu- 603 306.

..Respondent(s)

Prayer: Habeas Corpus petition filed under article 226 of Constitution of India for issuance of writ of Habeas Corpus to call for the records relating to the detention order dt 16.09.2025 passed by the 2nd respondent in CPT No. 16/2025 and quash the same and direct the respondents herein to produce the petitioner's husband Faruk S/o.Ibrahim aged 26 years, who is presently under going detention in the Chennai Central Prison, Puzhal-II, before this Hon'ble Court and set him at liberty.

For Petitioner(s): Ms.R.Madhubala
for Ms.G.Gayathri

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

ORDER

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

The wife of the detenu - Faruk, S/o. Ibrahim, branded as Drug Offender and confined in Central Prison, Puzhal, Chennai – 600 066 under detention order dated 16.09.2025 has challenged the order of detention in this HCP. The



detenu has been allegedly carrying Ganja amounting to 3 Kgs., intermediate quantity.

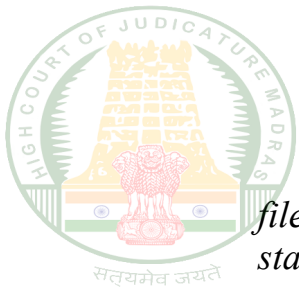
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2. We have heard Ms.R.Madhubala, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents.

3. One of the grounds in the detention order dated 16.09.2025 is that the detenu may be enlarged on bail. The detaining authority referred to the statement allegedly recorded from the petitioner 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.109 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:



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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.*

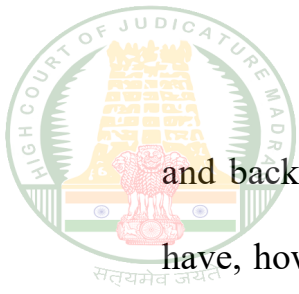
10. *Having considered the rival contentions, we agree with the petitioners that the statements relied upon by the respondents do not support their case. Firstly, the statements are indeed unsigned and undated. There is hence absolutely no clarity, much less certainty, as to when they were recorded.*

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 detenus. 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 fact, the petitioner has filed an early hearing petition for expeditious disposal of the HCP on the ground that the detenu is unwell. According to the petitioner, the detenu was suffering from pain in the nerves of his legs, hands



and back, loss of sensation in his hands and legs along with chest pain. We have, however, disposed the HCP itself seeing as the detention is of the month of September, 2025 and appropriate grounds have been made out.

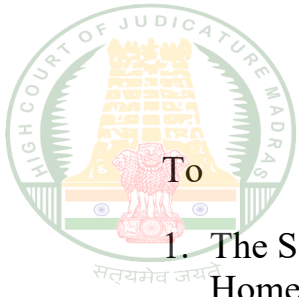
7. Learned Additional Public Prosecutor circulates a report from the Prison authorities to the effect that the detenu was also sent to Institute of Medical Health, Kilpauk as inpatient for medical observation. A copy of letter dated 01.04.2026 from the Superintendent of Prisons, Central Prison-2, Chennai, addressed to the Judicial Magistrate, Maduranthagam is also handed over to the learned counsel for the petitioner for onward transmission to the petitioner for taking necessary action, if need be.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in CPT.No.16/2025, dated 16.09.2025, is set aside. Connected Miscellaneous Petition is closed.

9. The detenu, viz., Faruk, S/o. Ibrahim, aged 26 years, confined in Central Prison, Puzhal, Chennai – 600 066, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

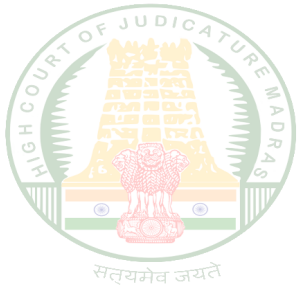
(A.S.M.,J.) (S.M.,J.)
28-04-2026

sl
Index: Yes/No
Speaking order
Neutral Citation: Yes
Note to Registry: Issue today.



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamilnadu,
Fort St.George,
Chennai- 600 009.
2. The District Collector and District Magistrate
Chengalpattu District,
Chengalpattu- 603 002.
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4. The Superintendent of Prison
Chennai Central Prison,Puzhal-II,
Chenani - 600 066.
5. The Inspector of Police
G-1, Madurantakam Police Station,
Chengalpattu district,
Chengalapttu- 603 306.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George,
Chennai – 9.



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HCP No. 2313 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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