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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2549 of 2025

Leelavathi

W/o.Raj,

No.41, Ramakirshnapuram, 5th Street,
Mylapore, Chennai District-04.

..Petitioner(s)

Vs

1. The Addl.Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai -600009.
2. Commissioner of police
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal-II,
Chennai District.
4. The Inspector of Police,
(Law and order)
E-1, Mylapore Police Station,
Chennai District.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas corpus or any other Writ or Direction calling for the entire records connected with the detention order in No.765/BBCDEFGISSSV/2025 on 07.10.2025 on the file of the Respondent No.2 and quash the same and direct the respondent to produce the person of



petitioner son one named MR.SARAN S/O RAJ aged about 23 years now confined at Central Prison, Puzhal before this Hon'ble Court and set him at liberty forthwith and pass such further or other orders.

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For Petitioner(s): Mr.P.Muthamizhselvakumar

For Respondent(s): Mr.C.R.Malarvannan

Counsel For Government Of Tamil Nadu
(criminal Side)

Order

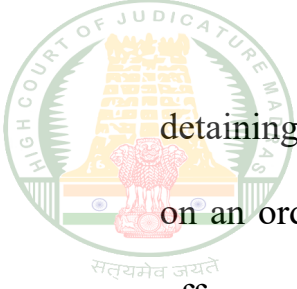
(Order of the Court was made by Dr.Anita Sumanth J.)

The mother of one Saran (detenu) S/o Raj, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 07.10.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing out to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Mr.P.Muthamizhselvakumar, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.

4. Admittedly, the first bail application filed in Crl.M.P.No.9293 of 2025 has been dismissed on 26.09.2025 and second bail application is pending. The



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detaining authority apprehends that bail would be granted to the detenu based on an order passed by this Court in Crl.O.P.No.25228 of 2024. However, the offences in that case and the present case are not identical, insofar as the present case the offences include Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998, which is not found in the compared case.

5. That apart, there also appears to be some non-application of mind by the detaining authority, in that in the translation of two remand orders, both dated 19.09.2025, one in adverse case and one in ground case, the detenu has specifically complained of harassment by the police and in the English version of the order, the 18th Metropolitan Magistrate, Saidapet records that there is complaint of harassment against police. However, in the translation version of the order, it is stated as ‘காவல் துறையினரால் துன்புறுத்தப்பட்டதாக புகார் ஏதுமில்லை.’

6. Quite apart from the non-application of mind in the translation, the detenu has admittedly studied only upto 9th standard. Learned counsel for the Government of Tamil Nadu would accede that the detenu is conversant only in Tamil. Hence by virtue of the error in translation, the right of proper defence has been compromised, in that a true version of the English version has not been placed before the detenu. For this reason also, we believe that the order of detention is bad in law.



7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.765/BBCDEFGISSSV/2025 dated 07.10.2025 is set aside.

8. The detenu, viz., Saran, S/o.Raj, male aged 23 years, who is now 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.)
21-07-2026

sl

Index: Yes/No

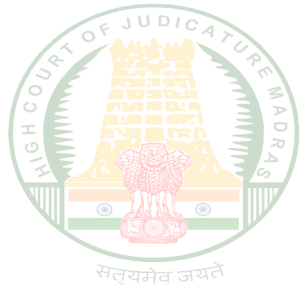
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Addl.Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai -600009.
2. Commissioner of police, Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal-II, Chennai District.
4. The Inspector of Police,
(Law and order) E-1, Mylapore Police Station,
Chennai District.
5. The Joint Secretary to Government, Public (Law & Order), Secretariat,
St.George, Chennai-600 009.
6. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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