

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 29-06-2026**

CORAM

**THE HON'BLE DR.JUSTICE ANITA SUMANTH**

**AND**

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

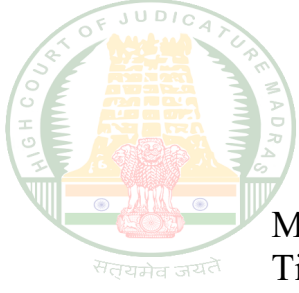
**HCP No. 93 of 2026**

P.Aaron  
S/o.Panneerselvam,  
No.27/A, Dr.Ambedkar Street,  
Kodungaiyur,  
Chennai - 600 118.

...Petitioner/Father of  
the Detenu

Vs

1. The State of Tamilnadu  
Rep.by its,  
Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Chennai - 600 009.
2. The Commissioner of Police,  
Greater Chennai,  
Chennai.
3. The Superintendent  
Central Prison,  
Puzhal,  
Chennai – 600 066.
4. The Inspector of Police,  
M-1 Madhavaram Police Station,



Madhavaram,  
Tiruvallur.

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...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records leading to the detention of Petitioner Son who is detained as GOONDA at Central Prison, Puzhal, Chennai by the 2nd respondent vide his order No.913/BCDEFGISSSV/2025 dated 05.11.2025 and quash the same as illegal and consequently direct the respondents one and two to produce the petitioner's son Jerome/detenu, S/o.Arone, aged about 20 years from the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

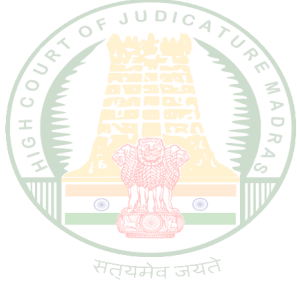
For Petitioner: Mr.N.Chandran

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 father of the detenu – Jerome, S/o.Arone, aged 20 years, has filed this petition challenging the detention order dated 05.11.2025, branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

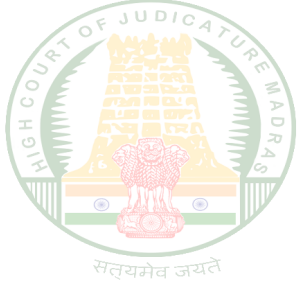


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2. Heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.

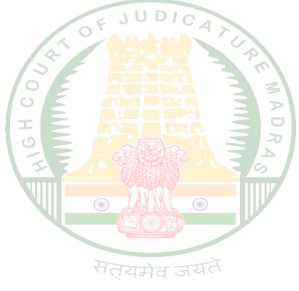
3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated the detenu is in remand and has not moved any bail application. However, the sponsoring authority has stated that the relatives of the detenu are taking steps to file the bail application before the appropriate Court. Further, the detaining authority has relied upon a statement said to have been made by the father of the detenu, under Section 180(3) of the BNSS that he is taking steps to file a bail application in the ground case.



5. On 03.03.2026, in HCP Nos. 2129, 2179 and 2340 of 2025, we had held that the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application. We had reiterated and clarified this view in a subsequent case, i.e., HCP No.2356 of 2025 dated 22.06.2026, after we were informed that our view was held to be *per incuriam* by a Co-ordinate Bench of this Court in HCP (MD) N0.369 of 2026 dated 19.06.2026. We have held that only a signed statement of a relative can be relied upon by the detaining authority to satisfy himself as regards the possibility of the detenu filing a bail application and that a Section 180(3) of BNSS statement cannot be the basis for such a satisfaction.

6. Therefore, the reliance placed on the said statement recorded under Section 180(3) of BNSS, by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to indulge in further criminal activities after his release on bail is based on the said wrong premise. Hence, the detention order is liable to be quashed.



7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.913/BBCDEFGISSV/2025, dated 05.11.2025, is set aside.

8. The detenu, viz., Jerome, S/o.Arone, aged 20 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.)  
29-06-2026

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

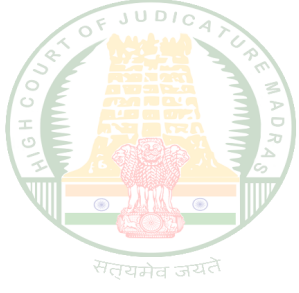
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To

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1. The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Chennai - 600 009.
2. The Commissioner of Police,  
Greater Chennai,  
Chennai.
3. The Superintendent  
Central Prison,  
Puzhal,  
Chennai – 600 066.
4. The Inspector of Police,  
M-1 Madhavaram Police Station,  
Madhavaram,  
Tiruvallur.
5. The Joint Secretary,  
Law and Order Department,  
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,  
High Court of Madras.



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

*dk*

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