

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 17-06-2026**

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

**AND**

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

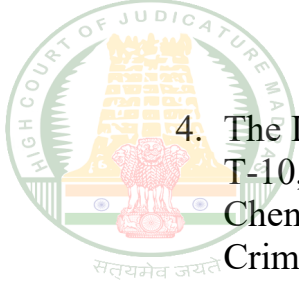
**HCP No.1 of 2026**

Mrs.Kavya S. Nair  
Wife of Yaswanth,  
3/18, Mettu Street,  
Arikkamedu,  
Chennai – 600 062.

...Petitioner/Wife of  
Detenue

Vs

1. The State of Tamil Nadu  
Rep. by the Additional Chief Secretary  
to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Fort St George,  
Chennai - 600 009.
2. The Commissioner of Police,  
Office of Commissioner of Police,  
Goondas Section,  
Avadi,  
Chennai – 600 054.
3. The Superintendent of Central Prison,  
Office of the Superintendent of Prisons,  
Central Prison,  
Puzhal,  
Chennai – 600 066.



4. The Inspector of Police,  
T-10, Thirumullaivoyal Police Station,  
Chennai – 600 062.  
Crime No.329 of 2025.

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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 records pertaining to the detention order dated 05.11.2025 in Memo No.161/TNPD/APC/2025 passed by the 2<sup>nd</sup> Respondent, dated 05.11.2025 quash the same and produce the body or person of the detenu by name Thiru. Yaswanth, S/o Sureshkumar, aged about 24 years, presently confined at Central Prison, Chennai before this Court and set him at liberty.

For Petitioner: Mr.A.Aravindan  
for  
M/S.Arulseivam Associates

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 wife of the detenu – Yaswanth, aged 24 years, S/o Sureshkumar, 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).



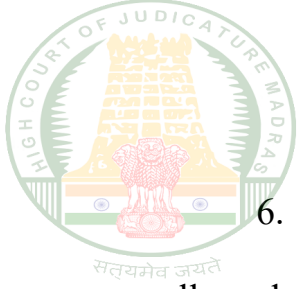
2. Heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.

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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. 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. However, we find that the statement of the father of the detenu is neither signed nor dated. We have in HCP No.1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. Therefore, the reliance placed on the said statement 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.



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6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.161/TNPD/APC/2025 dated 05.11.2025 is set aside.

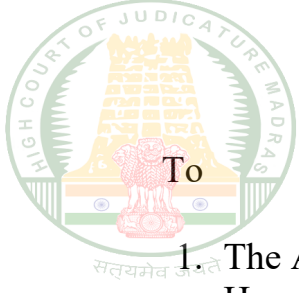
7. The detenu, viz., Yaswanth, aged 24 years, S/o Sureshkumar, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

**(A.S.M.,J.) (S.M.,J.)**  
**17-06-2026**

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

Note: Issue Order copy today.

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1. The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Fort St George,  
Chennai - 600 009.

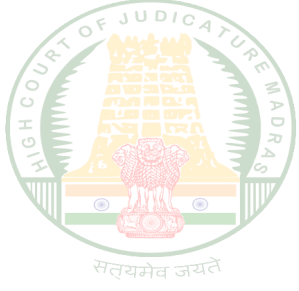
2. The Commissioner of Police,  
Office of Commissioner of Police,  
Goondas Section,  
Avadi,  
Chennai 600 054.

3. The Superintendent of Central Prison,  
Office of the Superintendent of Prisons,  
Central Prison,  
Puzhal,  
Chennai – 600 066.

4. The Inspector of Police,  
T-10, Thirumullaivoyal Police Station,  
Chennai – 600 062.

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.**

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**HCP No. 1 of 2026**

**17-06-2026**