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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.152 of 2026

Y.Michael Xavier Raj

.. Petitioner / Father of the detenu
Vs.

1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary
to the Government,
Home, Prohibition and Excise (XIV) Department,
Secretariat,
Chennai-9.

2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue
a writ of Habeas Corpus, calling for the entire records connected with the



detention order passed in M.H.S.Confdl No.63/2025 dated 24.07.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu, namely, the petitioner's son i.e., Mervin Christopher, aged about 31 years, s/o. Michael Xavier Raj, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the father of the detenu viz., Mervin Christopher, aged about 31 years, s/o. Michael Xavier Raj. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.63/2025 dated 24.07.2025 holding him to be a "Cyber Law Offender", as contemplated under Section 2(bb) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Apart from the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised by the learned counsel appearing for the petitioner is that Paragraph No.5 of the detention order reads as if the detenu was involved in posting the photos and vulgar scenes outraging the women-hood on ladies and thereby, had acted in a manner jeopardizing public peace and public order. However, both in the adverse cases and in the ground case, the allegation is that the detenu was involved in cheating money. It was further contended that there is clear non-application of mind on the part of the Detaining Authority.

4. There are two adverse cases against the detenu. The first adverse case is in Crime No.4 of 2022 and the allegation in this case is that the detenu has cheated a sum of Rs.69,43,500/-, by receiving it from 11 people. This case is pending in C.C.No.235 of 2024 before the learned Judicial Magistrate No.I, Trichy. The second adverse case is in Crime No.72 of



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2024 and in this case, the detenu is said to have cheated a woman by receiving money to the tune of Rs.5,00,000/-.

5. The ground case has been registered in Crime No.20 of 2025. Even in the ground case, the allegation is that the detenu has received a sum of Rs.1,25,000/- through online by giving a false promise to get a job. It is clear from both the adverse cases as well as the ground case that the allegation against the detenu is cheating in terms of money and there is no allegation that the detenu is posting photos and vulgar scenes. However, the Detaining Authority at Paragraph No.5 of the order states that the detenu is threatening the women and outraging their modesty by making sexual harassment and posting the photos and vulgar scenes in the Facebook. This subjective satisfaction reflected in Paragraph No.5 has nothing to do with the adverse cases and the ground case, for which, the detention order was passed by the Detaining Authority. There is clear non-application of mind on the part of the Detaining Authority.



6. In the result, the Habeas Corpus Petition is allowed and the order passed by the second respondent in M.H.S.Confdl No.63/2025 dated 24.07.2025 is set aside. The detenu, viz., Mervin Christopher, aged about 31 years, s/o. Michael Xavier Raj, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
18.03.2026

Index : Yes / No

Internet : Yes / No

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To

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to the Government,
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2. The District Collector and District Magistrate,
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Tirunelveli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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