

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.240 of 2026

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.. Petitioner / Mother of the detenu
Vs.

- 1.The State of Tamilnadu,
Rep By,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Fort St.George,
Secretariat,
Chennai - 9.
- 2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Pudukkottai District, Pudukkottai.
- 3.The Superintendent of Prison,
Central Prison,
Trichy.
- 4.The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar,
Pudukkottai District.

.....Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire records pertaining to the detention order passed by the second respondent in P.D.O.No.2 of 2026 dated 21.01.2026 and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son, namely, Rajesh @ Rajeshwindy, s/o. Chandru, aged about 24 years, who is detained in Central Prison, Trichy before this Court and set him at liberty.

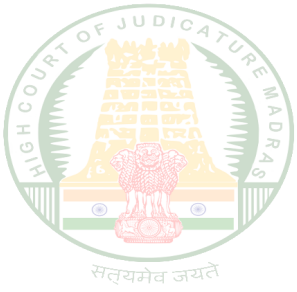
For Petitioner : Mr.G.Mathavan

For Respondents : Mr.G.Karuppasamy Pandian,
Counsel for the State of Tamil
Nadu (Criminal Side)

ORDER

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

The petitioner is the mother of the detenu, by name, Rajesh @ Rajeshwindy, s/o. Chandru, aged about 24 years. The detenu has been detained by the second respondent by his order in P.D.O.No.2 of 2026 dated 21.01.2026 holding him to be a "Goonda", as contemplated under Section 2(f) 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 counsel for the State of Tamil Nadu (Criminal Side) 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 is that the Detaining Authority was aware of the fact that the detenu had not filed any bail petition in the ground case. But, however, the Detaining Authority took into consideration the order passed in CrI.M.P.No.3651 of 2018 and came to a conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority did not arise out of a similar case and hence, the detention order suffers from non-application of mind.

4. We carefully went through the order passed in CrI.M.P.No.3651 of 2018. That was a case where the accused did not have any previous case and the Court took into consideration the fact that the injured had been discharged and investigation was almost complete. In the case in hand,



there was one adverse case against the detenu apart from the ground case.

Therefore, the order that was relied upon by the Detaining Authority did not arise out of a similar case and hence, the detention order suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.O.No.2 of 2026 dated 21.01.2026 passed by the second respondent is set aside. The detenu, viz., Rajesh @ Rajeshwindy, s/o. Chandru, aged about 24 years is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
24.06.2026

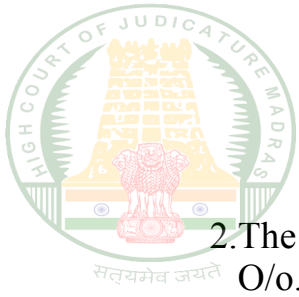
Index : Yes / No

Internet : Yes / No

TSG

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Fort St. George,
Secretariat,
Chennai - 9.



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2. The District Magistrate and District Collector,
O/o. The District Magistrate and District Collector,
Pudukkottai District, Pudukkottai.

3. The Superintendent of Prison,
Central Prison,
Trichy.

4. The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar,
Pudukkottai District.

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



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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