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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.440 of 2026

Pandiyammal ... Petitioner

vs.

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

2. The District Collector/District Magistrate,
Dindigul District,
Dindigul.

3. The Superintendent,
Central Prison,
Madurai. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling the respondents to produce the records of detention order No.02/2026 vide ROC No. 4175619/2026/C2 against the detenu passed by the 1st respondent herein by an order dated 25.01.2026 and quash the same and produce the petitioner's grandson Udhaya S/o. Sivakumar, aged 19 years presently

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confined in Central Prison, Madurai and set aside the same, consequently direct the respondents to produce the body of the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Sudhanthiran
For Respondents : Mr.G.Karuppaamy Pandiyan, Counsel for State of Tamilnadu(Crl.Side)

O R D E R

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the grandmother of the detenu viz., Udhaya S/o. Sivakumar, aged 19 years. The detenu has been detained by the second respondent by his order in No.02/2026 vide ROC No.4175619/2026/C2 dated 25.01.2026, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. Learned counsel for the petitioner would submit that the petitioner was arrested in Crime No.694/2025 on 28.12.2025. The petitioner has filed a bail application in Crl.M.P.No.3729 of 2025 before the Judicial Magistrate No.I, Dindigul, and it was dismissed. However,

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at paragraph 5 of the grounds of detention, the detaining authority has observed that the petitioner has not filed any bail petition before any court so far and it discloses non-application of mind. The sponsoring authority has not placed the bail petition before the detaining authority and the detaining authority without seeking any clarification and without application of mind, has passed the impugned detention order.

3. Per contra, learned Counsel for State of Tamilnadu(Crl.Side) appearing for the respondents would submit that subsequently an amendment has been issued on 05.02.2026 to the effect that the bail application of the detenu was dismissed. He would also submit that the bail petition was not maintainable before the Judicial Magistrate's Court since the offences are triable by a Court of Session and therefore, bail petition can be maintainable only before the Sessions Court or the High Court. Thus, he would pray for dismissal of this petition.

4. We have heard the learned counsel appearing for the petitioner and the learned Counsel for State of Tamilnadu(Crl.Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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5. At paragraph 5 of the impugned detention order, the detaining authority has specifically stated that the detenu has not filed any bail petition, whereas, the fact remains that a bail application has been filed by the detenu along with other accused in Crl.M.P.No.3729 of 2025 before the Judicial Magistrate No.I, Dindigul, and the same was dismissed on 30.12.2025. The bail petition was filed within two days of arrest and though it is not maintainable before the Magistrate, there is no reference with regard to the same in the grounds of detention.

6. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.02/2026 vide ROC No.4175619/2026/C2 dated 25.01.2026 passed by the second respondent is set aside. The detenu, viz., Udhaya S/o. Sivakumar, aged 19 years, is directed to be released

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forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [R.P., J.]
30.06.2026

Index : Yes / No
Neutral Citation : Yes / No
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To:

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

2. The District Collector/District Magistrate,
Dindigul District,
Dindigul.

3. The Superintendent,
Central Prison,
Madurai.

4.The Counsel for State of Tamilnadu(Crl.Side)
Madurai Bench of Madras High Court,
Madurai.

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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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ORDER MADE IN
HCP(MD)No.440 of 2026
DATED : 30.06.2026

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