



HCP(MD)No.1013 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.09.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH  
AND  
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.1013 of 2023

S.Thavamani

.. Petitioner (Mother of Detenu)

Vs.

1.State of Tamil Nadu,  
Represented by its Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Chennai – 9.

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

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, to call for records pertaining to the proceedings of the second respondent made in his proceedings in



HCP(MD)No.1013 of 2023

B.C.D.F.G.I.S.S.S.V.No.09/2023 dated 01.03.2023 and quash the same and set petitioner's son by name “Arjunan @ Anjanan S/o.Sasikumar, aged about 22 years” at liberty from the Superintendent, Central Prison, Madurai.

For Petitioner : Mr.J.Sankarapandian  
for Mr.C.Prithviraj

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

### **ORDER**

**(Order of the Court was made by M.S.RAMESH,J.)**

The petitioner is the mother of the detenu viz., Arjunan @ Anjanan, aged about 22 years, S/o.Sasikumar. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.09/2023 dated 01.03.2023 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. 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.



*HCP(MD)No.1013 of 2023*

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that the detaining authority has relied upon the order passed in CrI.M.P.No.3235/2021 dated 26.07.2021 and came to the conclusion that in a similar case bail has been granted and that there is likelihood of the detenu released on bail. The learned counsel submitted that the detaining authority was aware of the fact that the detenu filed bail application in the ground case and the same is pending. The learned counsel for the petitioner therefore submitted that the order relied upon by the detaining authority is not similar and there is non application of mind on the part of the detaining authority.

4. The learned Additional Public Prosecutor has not filed his counter. However, he strongly opposed the Habeas Corpus Petition.

5. On carefully going through the detention order, it is seen that in the order that was relied upon by the detaining authority in CrI.M.P.No. 3235/2021 dated 26.07.2021, the accused therein was enlarged on bail since



HCP(MD)No.1013 of 2023

no previous case was reported against him. However, in the present case, the detenu herein was involved in one previous case. Hence, the order that was relied upon by the detaining authority cannot be considered to be an order passed in a similar case.

6. In view of the above, the detention order suffers from non application of mind and the same is liable to be interfered with by this Court. The impugned detention order is, therefore, liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.09/2023 dated 01.03.2023 passed by the second respondent is set aside. The detenu, viz., Arjunan @ Anjanan, S/o.Sasikumar, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

**(M.S.R.,J.) (M.N.K.,J.)**  
**04.09.2023**

NCC : Yes / No  
Index : Yes / No  
Lm



*HCP(MD)No.1013 of 2023*

To

WEB COPY

1. The Additional Chief Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Chennai – 9.
2. The District Collector/District Magistrate,  
Madurai District,  
Madurai.
3. The Superintendent,  
Central Prison,  
Madurai.
4. The Joint Secretary to Government,  
Public (Law and Order),  
Fort St. George, Chennai.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*HCP(MD)No.1013 of 2023*

**M.S.RAMESH,J.**  
**and**  
**M.NIRMAL KUMAR,J.**

Lm

H.C.P.(MD)No.1013 of 2023

04.09.2023