



HCP(MD)No.449 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :08.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.449 of 2025

Vimala Devi

... Petitioner

vs.

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

2. The District Collector and District Magistrate,
Velunachair Valagam,
Dindigul District

3. The Superintendent of Prison
Central Prison, Madurai

4. The Inspector of Police
AWPS Dindigul Rural Police Station,
Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records relating to the detention of the petitioner's husband namely Kannan, S/o.Thiruvengadam aged about 55 years under Tamil Nadu Act 14 of 1982 vide detention order dated 22.03.2025 made in Detention order No.



HCP(MD)No.449 of 2025

21 of 2025 passed by the second respondent herein and quash the same as illegal and consequently direct the respondents herein to produce the person or body of the detenu now confined at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr. S.Vignesh Arumugam
for M/s. Ajmal Associates
For Respondents: Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

This Habeus Corpus Petition has been filed to quash the detention order passed by the second respondent in Detention order No.21 of 2025 dated 22.03.2025 and direct the respondents to produce the detenu or body of the detenu namely the Kannan, S/o.Thiruvengadam aged about 55 years who is detained at Central Prison, Madurai and set him at liberty forthwith.

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.449 of 2025

3.. The learned counsel appearing for the petitioner would submit that the detention order was passed without application of mind that similarly placed persons were granted bail and as such there is a real possibility of the detenu coming out on bail. The said case is completely a different case and not similar to the case in which the detenu is involved. That apart in this case trial commenced and PW.1 to PW.5 who are the victim girls were examined by the prosecution.

4. A perusal of the complaint and the submissions made by the learned Additional Public Prosecutor and also the report submitted by the trial Court it reveals that the detenu was detained by an order dated 22.03.2025. The detenu was detained under one ground case. He was arrested and remanded to judicial custody in pursuance to the registration of the case in Crime No. 18 of 2025 for the offences under Sections 9(f), 11(1), 11(4) and 12 of POCSO Act. Admittedly the detaining authority has shown the different case and not the similar case. Further the trial Court submitted a report dated 05.12.2025 and from the report it is revealed that the prosecution had examined P.W.1 to P.W.5. All the victim girls were examined fully.



HCP(MD)No.449 of 2025

WEB COPY 5. The detenu was granted bail by the Special Court for Exclusive trial of cases under POCSO Act, Dindigul in Cr.M.P.No.527 of 2025 dated 25.08.2025. Considering the fact and circumstances of the case this Court is inclined to set aside the order of the detention.

6. In view of the aforesaid reason, the detention order passed by second respondent dated 22.03.2025 in Detention order No.21 of 2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Kannan, S/o.Thiruvengadam aged about 55 years is directed to be set at liberty forthwith unless he is required in connection with any other case.

[G.K.I., J.] [R.P., J.]
08.12.2025

Index : Yes / No
Neutral Citation : Yes / No
aav

To:

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



HCP(MD)No.449 of 2025

2. The District Collector and District Magistrate,
Velunachair Valagam,
Dindigul District

3. The Superintendent of Prison
Central Prison, Madurai

4. The Inspector of Police
AWPS Dindigul Rural Police Station,
Dindigul District

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



WEB COPY



HCP(MD)No.449 of 2025

G.K.ILANTHIRAIYAN, J.
AND
R.POORNIMA, J.

aav

HCP(MD)No.449 of 2025

DATED :08.12.2025