



H.C.P.(MD)No.596 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

H.C.P.(MD)No.596 of 2025

M.Sowmiya

... Petitioner

-VS-

- 1.State of Tamilnadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli,
Tiruchirappalli District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in P.D.No.20 of 2025 dated



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17.04.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's husband, ie., Karthik, aged about 25 years, S/o.Nagarajan, now detained at the Central Prison, Tiruchirappalli, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the wife of the detenu viz., Karthik, aged about 25 years, S/o.Nagarajan. The detenu has been detained by the second respondent by his order in P.D.No.20 of 2025, dated 17.04.2025 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.



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3. The petitioner's husband was arrested and remanded to judicial custody on 11.03.2025 in Cr.No.106 of 2025 for the offences punishable under Sections 191(2), 191(3), 126(2) and 103 of Bharatiya Nyaya Sanhita. On the basis of the said ground case, the petitioner's husband was detained under Act, 14 of 1982.

4. The learned counsel for the petitioner would submit that the detention order was passed by the detaining authority without application of mind. When the detenu did not even file any bail application till the order of detention was passed, the detaining authority in the grounds of detention has stated that there is a possibility of coming out on bail. He would further submit that the representation submitted by the petitioner and the detenu on 26.05.2025 was rejected mechanically and there is a delay in considering the representation.

5. The learned Additional Public Prosecutor by filing counter affidavit submitted that though the detaining authority stated that there is a possibility of coming out on bail, it is not only the ground for



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quashing the detention order, the detention order was passed on the strength of the allegations levelled against the detenu and in the way in which, the crime was committed, therefore, there is immense possibility of the detenu to commit the crime and as such, he was detained. Therefore, though the detenu did not file any bail application seeking bail, it cannot be a ground to quash the impugned detention order. He would further submitted that the representation submitted by the petitioner dated 26.5.2025 was considered and rejected on 29.05.2025 and the same was duly served on the detenu.

6. In view of the above, we find no infirmity or illegality in the detention order passed by the second respondent and hence, this habeas corpus petition is dismissed.

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

02.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

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



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