



H.C.P.(MD)No.817 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2025

CORAM:

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

H.C.P.(MD)No.817 of 2025

Shanmugam

... Petitioner

-VS-

1.The State of Tamil Nadu,
rep. by Additional Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St. George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi.

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

4.The Inspector of Police,
All Women Police Station,
Puliyankudi,
Tenkasi District.

... Respondents



H.C.P.(MD)No.817 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the second respondent in MHS.Confdl.No.12/2025 dated 22.02.2025 and to quash the same and direct the respondents to produce the person or body of the detenu, Govindan, S/o. Shanmugam, aged about 56 years, before this Hon'ble Court and set him at liberty, now detained at Central Prison, Palayamkottai.

For Petitioner : Mr.T.J.Ebenezer Charles
for P.Saravanakumar

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 son of the detenu viz., Govindan, son of Shanmugam, aged about 56 years. The detenu has been detained by the second respondent by his order in No.M.H.S.Confdl.No.12/2025, dated 22.02.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



H.C.P.(MD)No.817 of 2025

WEB COPY

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.

3. In pursuant to the registration of the FIR in Cr.No.2 of 2025 registered for the offences punishable under Section 10 r/w 9(m) of Protection of Children from Sexual Offences Act, 2012, the detenu was arrested on 01.02.2025, thereafter, the fourth respondent sponsored the name of the detenu before the detaining authority to detain him under Act 14 of 1982. On receipt of the same, the second respondent detained the detenu by the detention order, dated 22.02.2025.

4. Though several grounds have been raised in the habeas corpus petition, learned counsel for the petitioner submitted that based on the ground case alone the detenu has been detained under Act 14 of 1982. In the ground case, the detenu has not filed any bail application, but the



H.C.P.(MD)No.817 of 2025

WEB COPY

detaining authority in the grounds of detention has stated that there is real possibility for the detenu coming out on bail in future by filing bail application for the above case since in similar cases bails are granted by the appropriate Courts.

5. On a perusal of the counter affidavit and the submission made by the learned Additional Public Prosecutor reveals that detenu had committed an offence under Section 10 r/w 9(m) of Protection of Children from Sexual Offences Act, 2012 as against the minor victim child aged about 9 years. Further, though the detenu did not file any bail application, the detaining authority in the grounds of detention has stated that there is a real possibility of coming out on bail. Now in the ground case, investigation has been completed and final report has been filed and the same was taken cognizance in Spl.S.C.No.291 of 2025, on the file of the Principal District Court, Tenkasi. That apart, the prosecution has examined P.Ws.1 to 8 and the victim child also fully examined.



H.C.P.(MD)No.817 of 2025

WEB COPY

6. Considering the above facts and circumstances, this Court is inclined to quash the detention order. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No. 12/2025, dated 22.02.2025, passed by the second respondent is set aside. The detenu, viz., Govindan, son of Shanmugam, aged about 56 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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

04.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



H.C.P.(MD)No.817 of 2025

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



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