



H.C.P(MD)No.834 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**

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Sheeba

... Petitioner/Mother of the detenu

Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

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

... Respondents



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PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in detention order in No.21/BCDFGISSSV/2025 dated 15.03.2025 in detaining the detenu under Section 3(1) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely, Siva @ Viswa @ Shanmugavel, S/o.Velu Nainar, Male, aged about 20 years, who is detained in Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.K.Samy

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 mother of the detenu viz., Siva @ Viswa @ Shanmugavel, S/o.Velu Nainar, aged about 20 years. The detenu was detained by the second respondent by order in No.21/BCDFGISSSV/2025 dated 15.03.2025, holding him to be a “Goonda”, as contemplated



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under Section 2(f) of the 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.

3. The petitioner was arrested and remanded to judicial custody in Crime No.56 of 2025 was registered for offence under Sections 296(b), 115(2), 309(4) BNS, 2023 on 03.03.2025. There is a possibility of the detenu to come out on bail, the sponsoring authority sponsor the detenu's name for passing the detention order. After considering the report, the detaining authority detained the detenu under Act 14 of 1982.

4. It has been challenged on the ground that the petitioner was not served with translated copy of wound certificate of the victim in Crime No.56 of 2025. Further the detaining authority relied upon the



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similar case of one Chelladurai who was granted bail by some other Court and not by the jurisdictional Court.

5. On perusal of records reveal that though the detaining authority relied upon the similar case of one Chelladurai who was granted bail by other Court, possibility of coming out on bail of the detenu is very much possible, since the similarly placed accused was granted bail. The Court is not a matter. Further the non-application of bail application by the detenu before passing the order of detention is not the ground to quash the detention order. Immediately after arrest of any person, they file application for bail.

6. Insofar as the non-serving of the translated version of the wound certificate of the victim in Crime No.26 of 2025 is concerned, it was not at all relied on by the detaining authority as a ground for detaining the detenu. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent.



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7. In the result, the Habeas Corpus Petition stands dismissed.

**[G.K.I.J.,] & [R.P.J.,]
02.12.2025**

NCC :Yes/No
Index :Yes/No
Internet :Yes
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To

1.The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

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

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

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