



H.C.P.(MD)No.944 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD)No.944 of 2025

Poornima ... Petitioner/Wife of the Detenu

-VS-

1. State through Tamilnadu rep. By
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai.

2. The District Collector and
District Magistrate,
O/o the District Collector and District Magistrate,
Trichy District.

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

... 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 pertaining to the detention order passed by the second respondent in CrI.M.P.No.10/2025 dated 21.03.2025 and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband namely Mayakrishnan @ Prakash, S/o.Aarumugam, male, aged about 39 years, who is detained in Central Prison, Trichy before this Court and set him at liberty.

For Petitioner : Mr.G.Mathavan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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H.C.P.(MD)No.944 of 2025

ORDER

(Order of the Court was made by **C.V.Karthikeyan, J.**)

The petitioner is the wife of the detenu, by name Mayakrishnan @ Prakash, S/o.Aarumugam, male, aged about 39 years. The detenu has been detained by the second respondent by his order in CrI.M.P.No. 10/2025 dated 21.03.2025 holding him to be a "Goonda", as contemplated under Section 3(1) 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. One ground urged by the learned counsel for the petitioner is that in the detention order which is dated 21.03.2025, the detaining authority had stated that the detenu had filed bail petition before the Special Court for E.C and NDPS Act cases at Pudukkottai in Cr.M.P.No. 746 of 2025 and 836 of 2025. Both were dismissed on 06.03.2025 and



H.C.P.(MD)No.944 of 2025

17.03.2025 respectively. Thereafter, the detaining authority had stated that in a similar case, there was a possibility of bail being granted by the Sessions Court. The learned counsel however pointed out that as a fact the detenue had filed a bail application before the High Court on 18.03.2025 in Crl.O.P.Sr.No.10599 of 2025. This was processed by the Registry and numbered on 19.03.2025 as Crl.O.P(MD)No.5263 of 2025. The bail application came up for consideration before a learned single Judge of this Court on 21.03.2025 and it was then adjourned to 25.03.2025. On 25.03.2025, the learned single Judge had granted bail.

4. The learned counsel for the petitioner stated that this fact of bail petition having been filed before the High Court on 18.03.2025 and that was numbered on 19.03.2025 had not been mentioned in the affidavit given by the sponsoring authority dated 25.03.2025 while putting up relevant documents before the detaining authority for consideration to determine subjective satisfaction whether to issue detention order against the detenue.

5. It is contended by the learned counsel for the petitioner that when the detaining authority had mentioned about the bail application



H.C.P.(MD)No.944 of 2025

filed before the Sessions Court and that as a matter of fact, on 21.03.2025, the bail application filed before the High Court had actually been numbered. This fact has not been mentioned by the sponsoring authority before the detaining authority.

6. The learned counsel stated that the omission to point out this particular point to the detaining authority is fatal to the detention order and prays to quash the detention order on that ground.

7. The learned Additional Public Prosecutor however stated that the sponsoring authority had filed an affidavit on 20.03.2025 and the bail application had been numbered on 19.03.2025 giving very little time or space for the sponsoring authority to include this particular point. The learned Additional Public Prosecutor however stated that this could not be taken as a material fact to quash the detention order. The Trial Court even in the earlier bail application has noted that steps were taken to detain the accused under Tamil Nadu Act, 14 of 1982. The learned Additional Public Prosecutor pointed out the narrow gap between the dates 18.03.2025, 19.03.2025 and 20.03.2025 when the affidavit was filed by the sponsoring authority and therefore, stated that if it had been



H.C.P.(MD)No.944 of 2025

informed, the detention order would have been further delayed owing to administrative reasons.

8. We are however, of the opinion that a duty was cast on the sponsoring authority to inform to the detaining authority of every material fact and information goes to his knowledge *vis-a-vis* the detenue or any individual on whom a detention order is proposed to be passed. Among other materials which are relevant, filing of a bail application is extremely relevant since it would indicate that there is a strong possibility for bail being granted by a Court. In this case, bail had actually been granted. If the sponsoring authority had raised this additional point that a bail application has been filed before the High Court, the detention order may or may not have been passed. The sponsoring authority omitted to mention this particular point to the detaining authority. There has been a omission by the sponsoring authority to put up specific material information before the detaining authority. This fact should have been placed on the records of the detaining authority and thereafter the detaining authority should have taken any decision according to the subjective satisfaction which he had arrived at on the basis of the materials put up before him.



H.C.P.(MD)No.944 of 2025

9. In view of the failure of material information namely, the filing of bail application before the High Court being submitted before the detaining authority, we are of the opinion that it was not possible for the detaining authority to come to a proper subjective satisfaction and that therefore the detention order should necessarily be quashed.

10. This view taken by this Court is fortified by the judgment of the Hon'ble Supreme Court of India reported in **1999 SCC Criminal 1469 (State of Tamil nadu vs. Rajendran)**.

11. In the result, the Habeas Corpus Petition is allowed and the order of detention in CrI.M.P.No.10/2025 dated 21.03.2025 passed by the second respondent is set aside. The detenu, viz., Mayakrishnan @ Prakash, S/o.Aarumugam, male, aged about 39 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[C.V.K., J.] [R.V., J.]
30.10.2025

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H.C.P.(MD)No.944 of 2025

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



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H.C.P.(MD)No.944 of 2025

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and
R.VIJAYAKUMAR, J.

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H.C.P.(MD)No.944 of 2025

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