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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.32 of 2026

Kamarnisha

.. Petitioner/Wife of the detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise (xiv) Department,
Fort St.George, Chennai -9.

2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Theni District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire records connected with the detention order of the respondent No.2 in Detention order No.35/2025, dated 26.07.2025 and quash the same and direct the respondents to produce



the body or person of the detenu by name Jiyavudeen, S/o.Javarla Khan, aged about 49 years, now detained as Sexual Offender at the Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the wife of the detenu, viz., Jiyavudeen, S/o.Javarla Khan, aged about 49 years. The detenu has been detained by the second respondent by his order in No.35/2025, dated 26.07.2025 holding him to be a “Sexual Offender” as contemplated under Section 2(ggg) 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.



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3. Though several grounds have been raised in the Habeas Corpus Petition, one of the grounds urged by the learned counsel for the petitioner is that no bail petition was filed by the petitioner and inspite of the same, the Detaining Authority by relying upon the order passed in CrI.O.P.No.21506 of 2024, dated 20.12.2024, came to the conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detainee coming out on bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority does not arise out of a similar case and hence, there is non application of mind.

4. We have carefully gone through the order passing in CrI.O.P.No. 21506 of 2024, dated 20.12.2024. This Court, while granting bail, had taken into consideration the fact that the main eyewitness including the victim girl were examined and cross examined and this Court also took into consideration the long incarceration that was suffered by the accused therein. In the case in hand, investigation was pending and no bail petition had been filed by the detainee. Hence, the order that was relied upon, cannot be considered to be a similar case. Hence, the detention order suffers from non application of mind.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention order No.35/2025, dated 26.07.2025, passed by the second respondent is set aside. The detenu, viz., Jiyavudeen, S/o.Javarla Khan, aged about 49 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

6. It is made clear that the order passed in this petition will not stand in the way of the Special Court dealing with the bail petition filed by the detenu on its own merits and in accordance with law.

(N.A.V.,J..) (K.K.R.K.,J.)
02.04.2026

Index : Yes / No
Internet : Yes / No

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Madurai Bench of Madras High Court,
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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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