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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.41 of 2026

Deva Surya

.. Petitioner/Detenu

Vs.

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

2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Dindigul 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.60/2025, dated 09.10.2025 and quash the same and direct the respondents to produce



the detenu by name Deva Surya, S/o.Prabakaran, aged about 20 years, now detained at the Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, viz., Deva Surya, S/o.Prabakaran, aged about 20 years. The detenu has been detained by the second respondent by his order in Detention Order No.60/2025, dated 09.10.2025, holding him to be a “Goonda” as contemplated 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. Apart from the other grounds raised by the learned counsel for the petitioner, one of the main grounds that was raised is that the Detaining Authority was aware of the fact that the detenue has not filed any bail petition before any Court. But however, the Detaining Authority relied upon the order that was passed in Cr.M.P.No.4472 of 2023, dated 13.12.2023 and came to the conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detenue coming out on bail. The learned counsel for the petitioner submitted that the order that was relied upon, does not arise out of a similar case and hence, there is non application of mind.

4. We have carefully gone through the order passed in Cr.M.P.No. 4472 of 2023, dated 13.12.2023. In that case, the Court had taken into consideration the fact that the co-accused were granted bail and the investigation had been completed and there were no previous cases pending against the accused therein. In the case in hand, there was one adverse case against the detenue and the investigation is pending. Therefore, the order that was relied upon by the Detaining Authority does not arise out of 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 No.60/2025, dated 09.10.2025, passed by the second respondent is set aside. The detenu, viz., Deva Surya, S/o.Prabakaran, aged about 20 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

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

Index : Yes / No
Internet : Yes / No

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



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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