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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.80 of 2026

Periyaiya

.. Petitioner

Vs.

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

2.The District Collector and District Magistrate,
Pudukkottai.

3.The Superintendent of Police,
Pudukkottai District.

4.The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.

5.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

.. Respondent



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the 2nd respondent, dated 25.08.2025 in P.D.O.No. 37/2025 against the petitioner's son Pandi @ Pandian, S/o.Periyaiya, aged about 23 years, who is confined at Central Prison, Tiruchirappalli and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.R.Sakthivel

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, viz., Pandi @ Pandian, S/o. Periyaiya, aged about 23 years. The detenu has been detained by the second respondent by his order in P.D.O.No.37/2025, dated 24.08.2025, 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.

3. Though several grounds have been raised in the Habeas Corpus Petition, the main ground urged by the learned counsel appearing for the petitioner is that the Detaining Authority took into consideration the fact that no bail application had been filed by the detenue and in spite of the same, relied upon the order passed in CrI.M.P.No.396 of 2024, dated 27.09.2024 and came to the conclusion that in a similar case, bail had been granted and therefore, there is a likelihood of the detenu being let out on bail.

4. The learned counsel submitted that the order relied upon by the Detaining Authority is not a similar case. In the case on hand, it is a solitary case where the FIR came to be registered in Crime No.12 of 2025 for the offences under Sections 329(4) and 127(2) of BNS, 2023, and Sections 5(k) and 5(l) r/w 6(1) of the POCSO Act, 2019. The detenue was arrested on 30.07.2025 and the detention order came to be passed on 24.08.2025 and till then, no bail petition had been filed by the detenue.



WEB COPY

5. In the order passed in CrI.M.P. No.396 of 2024, dated 27.09.2024, the accused therein had committed the offence under Section 5(m) r/w 6(1) of the POCSO Act, 2019 and the Court took into consideration the long period of incarceration undergone by the detenue. Hence, the order relied upon by the Detaining Authority cannot be treated as a similar case. Accordingly, the detention order suffers from non-application of mind.

6. It is brought to our notice that the police report was filed in time by the Investigation Officer and that P.W.1 and P.W.2 have already been examined on the side of the prosecution and cross-examined on the side of the accused. The case is at the stage of examination of the other witnesses. Hence, in the event of the detenue filing any bail application before the Special Court, the same shall be considered on its own merits and in accordance with law and the order passed in this petition shall not have any bearing while deciding the bail application.

7. In the result, this Habeas Corpus Petition is allowed and the order



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of detention in P.D.O. No.37/2025, dated 24.08.2025, passed by the second respondent is set aside. The detenu, viz., Pandi @ Pandian, S/o. Periyaiya, aged about 23 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.)
25.03.2026

Index : Yes / No
Internet : Yes / No

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WEB COPY

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Central Prison, Tiruchirappalli.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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

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