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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.96 of 2026

Revathi

.. Petitioner / mother of the detenu
Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Magistrate cum the District Collector,
Sivagangai, Sivagangai District.

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

.. 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 passed by the second respondent in Cr.M.P.No.100 / Goonda /2025 dated 03.10.2025 and quash the same and direct the respondents to produce Ajay, son of Ayyemperumal, male, aged 20, who is detained at



Central Prison, Madurai, Madurai District before this Court and set him at liberty.

For Petitioner : Mr.R.Balamuruganantham
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is mother of the detenu, by name Ajay, son of Ayyemperumal, male, aged 20 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.100 / Goonda /2025 dated 03.10.2025 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.



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3. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main ground that was raised by the learned counsel appearing for the petitioner is that, as on the date of passing of the detention order, no bail petition was pending and the Detaining Authority had taken into consideration the bail order that was passed in CrI.M.P.No.1393 of 2024 dated 09.12.2024 and has come to the conclusion that in a similar case, bail has been granted and therefore, there was likelihood of the detenu coming out on bail.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that there was a communal clash wherein caste Hindus attacked the persons belonging to the Scheduled Caste community. He further submitted that the detention order has to be quashed in order to retain the peace and tranquility in that area and to ensure that no further untoward incident that had taken place. He further submitted that the police report has been filed and the case is now pending before the Special Court (PCR Court) dealing with the SC/ST Cases, Sivagangai in Spl.S.C.No.56 of 2025 and that the case is now at the stage of framing of charges on 12.03.2026.



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5. On carefully going through the detention order, it is seen that as on the date on which the detention order was passed, no bail petition was filed or pending on the side of the detenu. The Detaining Authority has taken into consideration the order passed in Cr.M.P.No.1393 of 2024 dated 09.12.2024 to conclude that, in a similar case, bail has been granted.

6. On carefully going through the order passed in Cr.M.P.No.1393 of 2024 dated 09.12.2024, it is seen that the concerned Court in that case had taken into consideration the fact that investigation had been completed and final report had already been filed and the co-accused were granted bail. The Court also took into consideration the period of incarceration suffered by the accused in that case. Certainly, this order cannot be considered to be a similar case. Since in the case in hand, even the bail petition had not been filed and all the accused persons were inside the jail and investigation was also pending. This clearly shows non-application of mind.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.100 / Goonda /2025 dated 03.10.2025 passed by



the second respondent is set aside. The detenu, viz., Ajay, son of Ayyemperumal, male, aged 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.,)
12.03.2026

Index : Yes / No
Internet : Yes / No
TSG

To

- 1.The Principal Secretary to Government,
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- 2.The District Magistrate cum the District Collector,
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- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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