



HCP(MD). No.136 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/03/2026

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

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S.Packiam

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600009.

2. The District Collector and District Magistrate,
Kanniyakumari District.
Nagercoil.

3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER :-

To issue a Writ of Habeas Corpus the detention order passed in P.D No.32/2025 dated 03.10.2025 on the file of the 2nd respondent herein and Quash the same and direct the respondents to produce the detenu or



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body of the detenu namely the petitioner's nephew i.e., Selvamathan, aged about 35 years, S/o.Suyambu, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr. N.Pragalathan,
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the aunt of the detenu viz., Selvamathan, S/o. Suyambu, aged 35 years. The detenu has been detained by the second respondent by his order in P.D.No.32 of 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



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respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the Habeas Corpus Petition, one of the ground that was raised by the learned counsel appearing for the petitioner is that the Detaining Authority had taken into consideration the order passed in CrI.MP.No.3661 of 2024 dated 01.10.2024 and had come to a conclusion that in a similar case, bail has been granted and therefore there is likelihood of the detenu being granted bail.

4. On carefully going through the detention order, it is seen that the detaining authority has taken into consideration the fact that no bail application had been filed by the detenu. However the detaining authority took into consideration a bail order that was granted in CrI.MP.No.3661 of 2024 dated 01.10.2024 and had come to a conclusion that in a similar case, bail has been granted and therefore there is likelihood of the detenu being enlarged on bail.



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5. In the case in hand, there are two adverse cases against the detenu apart from the ground case. In the order that was relied upon by the detaining authority in CrI.MP.No.3661 of 2024 dated 01.10.2024, the accused therein was ranked as A4. There is no indication that there were previous cases against the accused therein. The Court while granting bail had taken into consideration the fact that the co-accused had been released on bail and also took into consideration the incarceration suffered by the accused therein and also the specific overt act that was attributed against the accused therein.

6. The order that was relied upon by the detaining authority is certainly not a similar case. Since the accused therein did not have any previous antecedents and whereas in the case in hand there are 2 adverse cases against the detenu. This clearly reflects non application of mind.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D No.32/2025 dated 03.10.2025 passed by the second respondent is set aside. The detenu, viz., Selvamathan, aged about 35 years, S/o.Suyambu, now detained at the Central Prison,



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Palayamkottai, 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.)
23.03.2026

NCC : yes / no
Index : yes / no

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To

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Home, Prohibition and Excise Department,
Secretariat,
Chennai 600009.
2. The District Collector and District Magistrate,
Kanniyakumari District.
Nagercoil.
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Central Prison,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ORDER
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