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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.135 of 2026

Murugeswari

.. Petitioner/Mother of the Detenue

Vs.

- 1.The State of Tamilnadu,
Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Exercise Department,
Fort St.George, Chennai 600 009.
 - 2.The District Collector and District Magistrate,
Thoothukudi District, Thoothukudi.
 - 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.
 - 4.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
-Respondents



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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 entire records, connected with the detention order of the respondent No.2 in H.S(M) Confdl No.113/2025, dated 31.10.2025 and quash the same and to direct the respondents to produce the body or person of the detenu by name Moorthy Raja, S/o.Ammamuthu, aged about 28 years, now confining as Goonda at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Kasirajan

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 mother of the detenu, by name Moorthy Raja, S/o. Ammamuthu, aged about 28 years. The detenu has been detained by the second respondent by his order in H.S(M) Confdl No.113/2025, dated 31.10.2025, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Prevention of Detention Act, 1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this Habeas Corpus Petition.



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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 urged by the petitioner is that the Detaining Authority was aware of the fact that no bail petition was filed by the detainee in the ground case. But however, the order passed in Cr.M.P.No.6466 of 2024, dated 20.09.2024 was taken into consideration and the Detaining Authority came to a conclusion that in a similar case, bail was granted to the accused therein. Therefore, there is a likelihood of the detainee being let out on bail. The learned counsel submitted that the order relied upon by the Detaining Authority is not a similar case.

4. We have gone through the order passed in Cr.M.P.No.6466 of 2024, dated 20.09.2024. That was a case, where there were no previous cases against the accused therein and the Court took into consideration the incarceration suffered by the accused therein and also the fact that the investigation was almost over. In the case in hand, there was one previous



case against the detenu and therefore, there is a previous antecedent against the detenu. Therefore, the order passed by the Detaining Authority in Cr.M.P.No.6466 of 2024, dated 20.09.2024 cannot be considered to be a similar case. Hence, the detention order suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S(M) Confdl No.113/2025, dated 31.10.2025, passed by the second respondent is set aside. The detenu, viz., Moorthy Raja, S/o. Ammamuthu, aged about 28 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.)
07.04.2026

Index : Yes / No
Internet : Yes / No

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5. 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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