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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2026

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THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.146 of 2026

C.Savitha

.. Petitioner/Mother of the detenu

Vs.

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

2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.

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

.....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 in M.H.S.Confdl No.134/2025, dated 13-10-2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the



petitioner's son I.e. Ajithkumar, S/o.Chinnadurai, aged about 27 years, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan,
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, viz., Ajithkumar, S/o.Chinnadurai, aged about 27 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.134/2025, dated 13-10-2025, 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 no bail petition was pending in the ground case and inspite of the same, the Detaining Authority had taken into consideration the order passed in Cr.M.P.No.8429 of 2024, dated 27.11.2024 and has come to a conclusion that bail has been granted in a similar case and there is likelihood of the detenue coming out on bail.

4. We have carefully gone through the order passed in Cr.M.P.No. 8429 of 2024, dated 27.11.2024.

5. There are five adverse cases against the detenue apart from the ground case. The ground case has been registered for offence under Sections 294(b), 132, 351(3) of BNS and Section 25(1A) of Arms Act. In the order that was relied upon by the Detaining Authority, the case was registered for the offence under Sections 296(b), 132, 109 and 351(3) of BNS, 2023. Certainly, the bail granted in that case is not a similar case, considering the offence for which the ground case has been registered. Therefore, the detention order passed by the second respondent, dated 13.10.2025, suffers



from non application of mind.

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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.134/2025, dated 13-10-2025, passed by the second respondent is set aside. The detenu, viz., Ajithkumar, S/o.Chinnadurai, aged about 27 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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Central Prison, Palayamkottai,
Tirunelveli.
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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