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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.206 of 2026

Faritha Banu

.. Petitioner / Sister of the detenu
Vs.

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

2. The Commissioner of Police,
Office of the Commissioner of Police,
Trichirappalli City.

3. The Superintendent,
The Central Prison,
Trichirappalli.

.. 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 of the second respondent in C.No. 62/detention/C.P.O/TC/2025 on 28.07.2025 and quash the same and direct



the respondents to produce the body or person of the petitioner's brother, detenu, namely, Abdul Kabur Bazeer, male, aged about 31/2026, son of Abdul Kathar and detained at Central Prison, Trichirappali and set him at liberty.

For Petitioner : Mr.P.Pandiarajan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the sister of the detenu, by name, Abdul Kabur Bazeer, male, aged about 31/2026, son of Abdul Kathar. The detenu has been detained by the second respondent by his order in C.No. 62/detention/C.P.O/TC/2025 on 28.07.2025 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.



WEB COPY

3. Apart from the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that no bail petition was filed by the detenu and in spite of the same, the Detaining Authority took into consideration the order that was passed by this Court in CrI.O.P. (MD).No.11978 of 2023 dated 30.06.2023 and had come to a conclusion that bail has been granted in the similar case and therefore, there is likelihood of the detenu being let out on bail. The learned counsel appearing for the petitioner submitted that the order that was relied upon by the Detaining Authority does not pertain to a similar case.

4. We have carefully gone through the order passed in CrI.O.P. (MD).No.11978 of 2023 dated 30.06.2023. On going through the order, it is seen that this Court had granted bail considering the fact that there was a solitary case of murder against the accused therein and there was no previous case against the accused therein.



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5. In the case on hand, there was a previous antecedent for the detenu, since one adverse case has been taken note of by the Detaining Authority. The order passed in CrI.O.P.(MD).No.11978 of 2023 dated 30.06.2023 that was relied upon by the Detaining Authority is certainly not a similar case and hence, the detention order suffers from non-application of mind.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.62/detention/C.P.O/TC/2025 dated 28.07.2025 passed by the second respondent is set aside. The detenu, viz., Abdul Kabur Bazeer, male, aged about 31/2026, son of Abdul Kathar, 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.,)
24.03.2026

Index : Yes / No
Internet : Yes / No
TSG

To
1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat Chennai-600 009.



WEB COPY

2. The Commissioner of Police,
Office of the Commissioner of Police,
Trichirappalli City.
3. The Superintendent,
The Central Prison,
Trichirappalli.
4. 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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