



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.160 of 2026

Vanarani

.. Petitioner / Mother of the detenu
Vs.

- 1.The State of Tamilnadu,
Rep By,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariat,
Chennai - 9.
- 2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Theni 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 pertaining to the detention order passed by the second respondent in Detention order No.



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09/2026 dated 16.01.2026 and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son, namely, Sibusurya s/o. Palpandi, male, aged about 22 years, who is detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.Maya Perumal
For Respondents : Mr.G.Karuppasamy Pandian,
Counsel for the State of Tamil
Nadu (Criminal Side)

ORDER

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

The petitioner is the mother of the detenu, by name, Sibusurya s/o. Palpandi, male, aged about 22 years. The detenu has been detained by the second respondent by his order in Detention order No.09/2026 dated 16.01.2026 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 counsel for the State of Tamil Nadu (Criminal Side) 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 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 relied upon the order passed in CrI.M.P.No.968 of 2025 and came to a conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority does not arise out of a similar case and hence, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 968 of 2025. That was a case where statutory bail was granted by the Court, since the investigation was not completed within a period of ninety days. In the case in hand, the detenu had three adverse cases and one ground case and in the ground case, bail petition has not been filed. Hence, the order relied upon by the Detaining Authority certainly did not arise out of a similar case and consequently, the detention order suffers from non-application of mind.



WEB COPY 5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention order No.09/2026 dated 16.01.2026 passed by the second respondent is set aside. The detenu, viz., Sibisurya s/o. Palpandi, male, aged about 22 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.)
23.06.2026

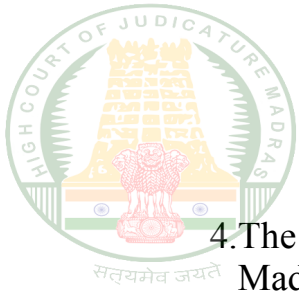
Index : Yes / No

Internet : Yes / No

TSG

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariat,
Chennai - 9.
- 2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Theni District.
- 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
K.K.RAMAKRISHNAN,J.**

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