



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

H.C.P.(MD) No.177 of 2026

C.Kannagi

.. Petitioner / Wife of the detenu

Vs.

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

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

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.155/2025 dated 26-11-2025 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 husband i.e.Chelladurai @ Chella, aged about 37 years, S/o.Nallakannu, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (Crl.Side)

ORDER

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

The petitioner is the wife of the detenu, by name, Chelladurai @ Chella, aged about 37 years, S/o.Nallakannu. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.155/2025, dated 26.11.2025, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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 State of TN (Crl.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 for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that the detenu had filed a bail petition and the same was pending before the concerned Court. However, the Detaining Authority took into consideration the order passed in Cr.M.P.No.911 of 2024 and came to the conclusion that, in a similar case, bail has been granted and hence, there is a likelihood of the detenu coming out on bail. The counsel for the petitioner 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 Cr.M.P.No.911 of 2024. That was a case, where the Court took into consideration the fact that the accused therein had suffered incarceration for nearly 70 days and the investigation had been completed and the final report had been filed. In the case on hand, the investigation was pending and the detenu was arrested on 28.10.2025 and the detention order came to be passed on 26.11.2025, within a period of 28 days. Therefore, the order that was relied upon by the Detaining Authority certainly does not arise out of a similar case and



consequently, the detention order suffers from non-application of mind.

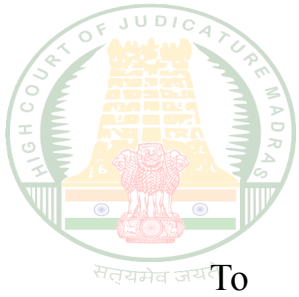
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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.155/2025, dated 26.11.2025, passed by the second respondent is set aside. The detenu, viz., Chelladurai @ Chella, aged about 37 years, S/o. Nallakannu, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (S.S.Y.,J..)
08.06.2026

Index : Yes / No
Internet : Yes / No

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2. The District Collector and District Magistrate,
Tirunelveli District.
3. The Superintendent of Prison,
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
S.SRIMATHY,J.**

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