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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.191 of 2026

Gomu

.. Petitioner

Vs.

1.State of Tamil Nadu,
represented by its
the Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 9.

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

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



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detention order of the Respondent No.2 in H.S.(M) Confdl. No.142 of 2025 dated 24.12.2025 and quash the same and direct the respondent to produce the detenu or body of the detenu, namely, Gomu, aged about 62 years, s/o. Krishnasamy, now detained at the Central Prison, Palayamkottai, Tirunelveli District before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.G.Karuppasamy Pandian,
learned 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 detenu, by name, Gomu, aged about 62 years, s/o. Krishnasamy. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl. No.142 of 2025 dated 24.12.2025 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 counsel for the State of Tamil Nadu (Criminal Side) appearing



for the respondents. We have also perused the records produced by the Detaining Authority.

3. Apart from the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was urged by the learned counsel for the petitioner is that the Detaining Authority was aware of the fact that no bail petition was pending as on the date of the passing of the detention order, but, however, the Detaining Authority took into consideration the order passed in Crl.M.P.No.6466 of 2024 and came to a conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the order relied upon by the Detaining Authority does not arise out of a similar case and hence, the detention order does not suffer from non-application of mind.

4. We have carefully gone through the order passed in Crl.M.P.No. 6466 of 2024, wherein bail was granted in that case considering the fact that investigation had been completed and final report had been filed and the Court also took into consideration the total number of days of incarceration



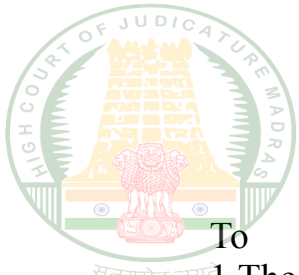
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suffered by the accused therein. The Court also took into consideration the fact that there was no previous case against the accused therein. In the case in hand, investigation was pending and there is one adverse case against the detenu. Hence, the order that was relied upon by the Detaining Authority did not arise out of a similar case and consequently, 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.142 of 2025 dated 24.12.2025 passed by the second respondent is set aside. The detenu, viz., Gomu, aged about 62 years, s/o. Krishnasamy, 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.,)
16.06.2026

Index : Yes / No
Internet : Yes / No
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To

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Chennai - 9.
2. The District Collector and District Magistrate,
Thoothukudi District, Thoothukudi.
3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.ct.
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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