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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.197 of 2026

M.Sangeetha

.. Petitioner/Sister of the detenu

Vs.

1.The State of Tamilnadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2.The Commissioner of Police,
Tirunelveli City, 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 No.57/BCDFGISSSV/2025, dated 12.07.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenue or body of the detenue namely the



petitioner's son i.e Bharathi alias Surya, S/o.Ganesan, aged about 25 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 sister of the detenu, viz., Bharathi alias Surya, S/o.Ganesan, aged about 25 years. The detenu has been detained by the second respondent by his order in No.57/BCDFGISSSV/2025, dated 12.07.2025, 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.



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3. Though several grounds have been raised in the Habeas Corpus Petition, one of the grounds urged by the learned counsel for the petitioner is that the Detaining Authority was aware of the fact that the detainee has not moved any bail application in some of the adverse cases as well as in the ground case. However, the Detaining Authority took into consideration the order passed in CrI.M.P.No.1538 of 2024, dated 29.07.2024 and came to the conclusion that it is a similar case, where bail was granted and hence, there is a likelihood of the detainee coming out on bail. The learned counsel for the petitioner submitted that the order relied upon, is not a similar case and therefore, the detention order passed by the second respondent, dated 12.07.2025 suffers from non application of mind.

4. In the case in hand, there are six adverse cases apart from the ground case against the detainee. On carefully going through the order passed in CrI.M.P.No.1538 of 2024, dated 29.07.2024, it is seen that in that case, the investigation has been completed and the case was at the stage of committal. That apart, the stolen property had been recovered and the Court also took into consideration the period of incarceration suffered by the accused. In the case in hand, the investigation was pending and the property



was not recovered and therefore, the order passed in CrI.M.P.No.1538 of 2024, dated 29.07.2024 cannot be considered to be a similar case. Thus, the detention order passed by the second respondent, dated 12.07.2025, suffers from non application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.57/BCDFGISSSV/2025, dated 12.07.2025, passed by the second respondent is set aside. The detenu, viz., Bharathi alias Surya, S/o.Ganesan, aged about 25 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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1. The Additional Chief Secretary to Government,
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2. The Commissioner of Police,
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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
K.K.RAMAKRISHNAN,J.**

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