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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.202 of 2026

P.Venkadesh

.. Petitioner / brother of the
detenu

Vs.

1.State of Tamil Nadu,
represented by its
The Additional Chief Secretary to Government,
State of Tamil Nadu,
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 District.

.. 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 Detention Order No.



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67/BBCDEFG1SSSV/2025, dated 23.09.2025 and quash the same and direct the respondents to produce the body or person of the detenu, by name, Balu, aged about 33 years, s/o. Packiasamy, detained as “Goonda” at Central Prison, Palayamkottai before this Court and set him at liberty.

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 brother of the detenu, by name, Balu, aged about 33 years, s/o. Packiasamy, aged about 26 years. The detenu has been detained by the second respondent by his order in Detention Order No. 67/BBCDEFG1SSSV/2025, dated 23.09.2025 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. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the Detaining Authority has taken into consideration the order passed in Cr.M.P.No.8681 of 2024 dated 03.12.2024 and has come to the conclusion that there is likelihood of the detenu coming out on bail and whereas, the order that was referred is not a similar case to the case in hand and that there was one adverse case for the offence under Section 302 of IPC in Crime No.341 of 2023. The ground case is for the offence under Sections 296(b), 109(1) and 351(3) of BNS 2023. Even though a bail application was moved, by the time it was considered, the detention order has been passed. In the order that was passed in Cr.M.P.No.8681 of 2024, the Court had taken into consideration the fact that there was no previous case against the accused persons therein and the co-accused were enlarged on bail and the injured had also been discharged from the hospital. That order certainly is not a similar case like the case in hand, since the detenu had a previous case. Hence, there is clear non-application of mind.

4. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.67/BBCDEFG1SSSV/2025 dated



23.09.2025 passed by the second respondent is set aside. The detenu, viz.,
Balu, aged about 33 years, s/o. Packiasamy, 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 Additional Chief Secretary to Government,
State of Tamil Nadu,
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 District.
- 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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