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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.198 of 2026

M.Sinthiya Lakshmi

.. Petitioner/Wife of the detenu

Vs.

1.The State of Tamilnadu,
Rep 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.129/2025, dated 06.10.2025 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 Muthukumar, S/o.Poolpandi, 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 wife of the detenu, viz., Muthukumar, S/o.Poolpandi, aged about 25 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.129/2025, dated 06.10.2025, 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 in the Habeas Corpus Petition, one of the main grounds urged by the learned counsel for the petitioner is that the Detaining Authority was aware of the fact that the detainee had moved a bail application and the same was rejected. In spite of the same, the Detaining Authority relied upon the order passed in CrI.M.P.No.16662 of 2023, dated 07.12.2023 and came to the conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detainee coming out on bail.

4. We have carefully gone through the order passed in CrI.M.P.No. 16662 of 2023, dated 07.12.2023. In that case, the Court took into consideration the fact that the accused therein was already granted anticipatory bail and in spite of the same, he was arrested and was suffering incarceration for 22 days. The Court also took into consideration the fact that the material part of the investigation has been completed and no one sustained any injury and no serious objection was raised by the learned Public Prosecutor. In the case in hand, there are three adverse cases against the detainee apart from the ground case and certainly, the order that was



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relied upon by the Detaining Authority cannot be considered as a similar case. Hence, the detention order passed by the second respondent, dated 06.10.2025, suffers from non application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.129/2025, dated 06.10.2025, passed by the second respondent is set aside. The detenu, viz., Muthukumar, S/o.Poolpandi, 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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- To
1. The Additional Chief Secretary to Government,
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 2. The District Collector and District Magistrate,
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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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