



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.353 of 2026

Sathya

.. Petitioner / Sister of the Detenu

Vs.

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

2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District, Karur.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy 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 Respondent No.2 in Cr.M.P.No.16/2025 dated 08.04.2025 and quash the same and direct the respondents to produce the



petitioner's brother / detenu by name Santhosh, son of Muppuli, aged about 26 years, now detained as "Goonda" at Trichy Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr.Dr.R.Alagumani

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, by name Santhosh, son of Muppuli, aged about 26 years. The detenu has been detained by the second respondent by his order in Cr.M.P. No.16/2025, dated 08.04.2025, 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 no bail petition was filed or pending as on the date of passing of the detention order. However, the Detaining Authority has taken note of the order passed by this Court in Crl.O.P.(MD) No.20785 of 2023, dated 20.11.2023 and has come to the conclusion that in a similar case, bail had been granted to the accused therein and therefore, there is a likelihood of the detainee coming out on bail. The learned counsel submitted that the order relied upon by the Detaining Authority is not a similar case and therefore, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in Crl.O.P.(MD) No.20785 of 2023, dated 20.11.2023, wherein this Court granted bail to the accused therein on the ground that the investigation had been completed and also took into consideration the period of incarceration undergone by the accused therein. In the case on hand, the investigation was pending and it was a solitary case of murder. Therefore, the order relied upon by the Detaining Authority is not 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 Cr.M.P. No.16/2025, dated 08.04.2025, passed by the second respondent is set aside. The detenu, viz., Santhosh, son of Muppuli, aged about 26 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.,)
26.03.2026

Index : Yes / No
Internet : Yes / No

Indu

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District, Karur.
- 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy 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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