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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2026

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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.241 of 2026

Tamil Selvi

.. Petitioner / Mother of the
Detenu

Vs.

1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

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

3.The Superintendent of Police,
Pudukkottai District.

4.The Superintendent of Prison,
Central Prison, Trichy.

5.The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.

.. Respondents



Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records in detention order passed in P.D.O.No.30/2025 dated 15.08.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the person of petitioner's son Sridher, aged 19 years, S/o.Murugan, confined in Central Prison, Tiruchirappalli District, before this Court and set him at liberty.

For Petitioner : Mr.D.Padmanabhan

For Respondents : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the mother of the detenu, by name, Sridher, S/o.Murugan, aged about 19 years. The detenu has been detained by the second respondent by his order in P.D.O.No.30/2025 dated 15.08.2025 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.



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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.

3. Apart from the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that no bail petition was filed by the detenu and in spite of the same, the Detaining Authority took into consideration the order that was passed in CrI.M.P.No.2138 of 2023, dated 03.06.2023 and had come to a conclusion that bail has been granted in the similar case and therefore, there is likelihood of the detenu being let out on bail. The learned counsel appearing for the petitioner submitted that the order that was relied upon by the Detaining Authority does not pertain to a similar case.

4. We have carefully gone through the order passed in CrI.M.P.No. 2138 of 2023, dated 03.06.2023. On going through the order, it is seen that it was a solitary case of murder and the concerned Court had taken into consideration the fact that the accused therein had suffered incarceration for



more than 85 days and the investigation was completed and the police report has also been filed before the jurisdictional Magistrate.

5. In the case on hand, there was a previous antecedent for the detenu, since one adverse case has been taken note of by the Detaining Authority. The order passed in CrI.M.P.No.2138 of 2023, dated 03.06.2023 that was relied upon by the Detaining Authority is certainly not a similar case and hence, the detention order suffers from non-application of mind.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.O.No.30 of 2025, dated 15.08.2025 passed by the second respondent is set aside. The detenu, viz., Sridher, aged 19 years, S/o.Murugan, 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.)
30.03.2026

Index : Yes / No
Internet : Yes / No

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Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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