



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.234 of 2026

Sangavi

.. Petitioner/Wife of the detenu

Vs.

1.The State of Tamilnadu,
Represented by the Additional Chief
Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 9.

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

3. The Superintendent of Prison,
Central Prison, Tiruchirappalli.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records pertaining to the impugned detention order passed by the second respondent made in his proceedings in P.D.No.41/2025, dated 17.07.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and



direct the respondents to produce detenu namely Arulkumar, S/o.George, male, aged about 25 years, who is detaining at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

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., Arulkumar, S/o. George, male, aged about 25 years. The detenu has been detained by the second respondent by his order in P.D.No.41/2025, dated 17.07.2025, 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 no bail petition had been filed by the detenu and inspite of the same, the Detaining Authority relied upon the order passed in Crl.M.P.No.1630 of 2022, dated 01.04.2022 and came to the conclusion that, in a similar case, bail had been granted and therefore, there was a likelihood of the detenu 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.M.P. No. 1630 of 2022, dated 01.04.2022. That was a case where there were no previous cases against the accused and the Court had also taken into consideration the fact that the entire investigation had been completed and that the co-accused had been granted bail. In the case on hand, there are two adverse cases against the detenu and the investigation was pending. Therefore, the order relied upon by the Detaining Authority in Crl.M.P. No. 1630 of 2022, dated 01.04.2022 is certainly not a similar case. Hence, the



detention order passed by the second respondent, dated 17.07.2025 suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.41/2025, dated 17.07.2025, passed by the second respondent is set aside. The detenu, viz., Arulkumar, S/o. George, 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.)
27.03.2026

Index : Yes / No
Internet : Yes / No

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To

1. The Additional Chief Secretary to the Government,
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Fort St. George, Chennai 9.
2. The District Collector and District Magistrate,
Thanjavur District, Thanjavur.
3. The Superintendent of Prison,
Central Prison, Tiruchirappalli.
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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