



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.273 of 2026

Lingammal

.. Petitioner/Mother of the Detenue

Vs.

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

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

3.The Superintendent of the Central Prison,
Palayamkottai.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent in M.H.S.Confdl.No.97/2025, dated 07.08.2025 and quash the same and direct the respondents to produce the detenue namely Marimuthu @ Suresh, S/o.Durai, aged 26 years, now



detained at Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.A.Thiruvadi Kumar
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 Marimuthu @ Suresh, S/o.Durai, aged 26 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.97/2025, dated 07.08.2025, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of the Tamil Nadu Prevention Detention Act, 1982 (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.



WEB COPY

3. Apart from the other grounds raised, the main ground that was raised by the learned counsel for the petitioner is that the Detaining Authority was aware of the fact that no bail petition has been filed by the detainee in the ground case and in spite of the same, the Detaining Authority took into consideration the order passed in CrI.M.P.No.6565 of 2019, dated 12.07.2019 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. 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. In the case in hand, there were two adverse cases and a ground case against the detainee. The order that was passed in CrI.M.P.No.6565 of 2019, dated 12.07.2019, it was a case under the POCSO Act and the Court had granted bail considering the fact that the investigation had been completed, the Police report had been filed and the case was pending before the Court. The Court also took into consideration the period of incarceration suffered by the accused therein. That was a solitary case, where the accused therein did not have any previous cases. Hence, the order that was relied upon by



the Detaining Authority is certainly not a similar case, since in the case in hand, there were two adverse cases and the investigation was also pending.

Hence, the detention order passed by the second respondent, dated 07.08.2025, 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.97/2025, dated 07.08.2025, passed by the second respondent is set aside. The detenu, viz., Marimuthu @ Suresh, S/o. Durai, aged 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.)
06.04.2026

Index : Yes / No
Internet : Yes / No

Indu



To

WEB COPY

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 9.
2. The District Collector and District Magistrate,
Tirunelveli District.
3. The Superintendent of the Central Prison,
Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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

Indu

H.C.P.(MD)No.273 of 2026

06.04.2026