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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.276 of 2026**

Irulayi

.. Petitioner/Mother of the Detenue

Vs.

- 1.State of Tamilnadu,  
Represented by the Additional Chief Secretary to Government,  
Home, Prohibition and Exercise Department,  
Fort St. George, Chennai.
- 2.The District Magistrate and District Collector,  
Office of the District Magistrate and District Collector,  
Virudhunagar District.
- 3.The Superintendent of Prison,  
Central Prison, Madurai.
- 4.The Inspector of Police,  
Rajapalayam South Police Station,  
Virudhunagar District.  
Crime No.373/2025.

.....Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records relating to the detention order in Cr.M.P.No.14/2025 (GOONDA), dated 11.08.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenue namely Esakkiraja, son of Ganesan, aged about 42 years, now detained as Goonda at Central Prison, Madurai and set him at liberty forthwith.

For Petitioner : Mr.D.Rajaboopathy

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 Esakkiraja, son of Ganesan, aged about 42 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.14/2025 (GOONDA), dated 11.08.2025, holding him to be a "Goonda", as contemplated under Section 2(f) 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.



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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, one of the main grounds that was raised by the learned counsel for the petitioner is that the Detaining Authority was aware of the fact that the detainee had not filed any bail petition in the ground case and in spite of the same, the Detaining Authority took into consideration the order that was passed in Crl.M.P.No.1766 of 2024, dated 19.05.2024 and came to the conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detainee being let out on bail. The learned counsel submitted that the order that was 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. In the order that was relied upon by the Detaining Authority in Crl.M.P.No.1766 of 2024, dated 19.05.2024, there were no previous cases against the accused therein. The Court also took into



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consideration the fact that the injured in that case had been discharged from the hospital and the Court took into consideration the incarceration suffered by the accused therein. Hence, the order that was relied upon by the Detaining Authority cannot be considered to be a similar case and therefore, the detention order passed by the second respondent, dated 11.08.2025, suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.14/2025 (GOONDA), dated 11.08.2025, passed by the second respondent is set aside. The detenu, viz., Esakkiraja, son of Ganesan, aged about 42 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

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

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