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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.272 of 2026

S.Annam

.. Petitioner/Wife of the Detenue

Vs.

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

2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli 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 passed in No.64/BBCDEFGISSSV/2025, dated 29.08.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenue or body of the detenue namely the



petitioner's husband I.e.Senthilkumar, S/o.Rajappan, aged about 49 years, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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 wife of the detenu, by name Senthilkumar, S/o. Rajappan, aged about 49 years. The detenu has been detained by the second respondent by his order in No.64/BBCDEFGISSSV/2025, dated 29.08.2025, 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.

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, the learned counsel appearing for the petitioner mainly focused his argument on the ground that the Detaining Authority was aware of the fact that there were three adverse cases against the detainee apart from the ground case and that a bail petition was filed in the ground case, which was pending and the Detaining Authority took into consideration the order passed in Cr.M.P.No.1538 of 2024, dated 29.07.2024 and came to the conclusion that bail has been granted in a similar case and therefore, there is a likelihood of the detainee coming out on bail. The learned counsel submitted that the order relied upon was not a similar case and therefore, there is non-application of mind on the part of the Detaining Authority.

4. We carefully went through the order passed in Cr.M.P.No.1538 of 2024, dated 29.07.2024. In that case, the Court had taken into consideration the fact that the investigation had been completed and that the case was at the stage of committal and the Court also took into consideration the fact that the stolen property had been recovered and the period of incarceration suffered by the accused. The order that was relied upon by the Detaining Authority is certainly not a similar case. Therefore, 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 No.64/BBCDEFGISSV/2025, dated 29.08.2025, passed by the second respondent is set aside. The detenu, viz., Senthilkumar, S/o. Rajappan, aged about 49 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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- To
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 2. The Commissioner of Police,
Tirunelveli City, Tirunelveli.
 3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli 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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