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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.281 of 2026

S.Murugeswari

.. Petitioner/Mother of the Detenu

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 District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.

3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.

.....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 M.H.S Confdl No.118/2025, dated 08.09.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the



petitioner's son I.e.Arunkumar, son of Sudalaimani, aged about 21 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 mother of the detenu, by name Arunkumar, son of Sudalaimani, aged about 21 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.118/2025, dated 08.09.2025, 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. Apart from the other grounds raised by the learned counsel for the petitioner, one of the main ground that is raised by the petitioner is that the Detaining Authority has taken into consideration, the order passed in Cr.M.P.No.5531 of 2021, dated 13.09.2021 and come to the conclusion that bail was granted in a similar case and therefore, there is likelihood of the detenu being released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the bail order that was relied upon by the Detaining Authority is not a similar case.

5. We have carefully gone through the order passed in Cr.M.P. No. 5531 of 2021, dated 13.09.2021. That was a case where the accused was charged for the offence under Section 302 of IPC and the Court had taken into consideration the fact that the accused had suffered incarceration for nearly 81 days and there were no previous cases against the accused. In the case in hand, there was one adverse case against the detenu apart from the ground case. Therefore, there is a previous antecedent against the detenu in this case. Therefore, the order passed in Cr.M.P.No.5531 of 2021 dated



13.09.2021 cannot be taken to be a similar case. This clearly reflects 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.118/2025, dated 08.09.2025, passed by the second respondent is set aside. The detenu, viz., Arunkumar, son of Sudalaimani, aged about 21 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.)
07.04.2026

Index : Yes / No
Internet : Yes / No

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- To
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 3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
 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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