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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.284 of 2026

P.Rengammal

.. Petitioner/Mother of the Detenu

Vs.

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

2.The Commissioner of Police,
Tirunelveli City, 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 No.63/BBCDEFGISSSV/2025, dated 07.08.2025 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.Arumugakani, S/o.Petchimuthu, aged about 20 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 Arumugakani, S/o. Petchimuthu, aged about 20 years. The detenu has been detained by the second respondent by his order in No.63/BBCDEFGISSSV/2025, dated 07.08.2025, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Prevention of 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 grounds that was urged by the petitioner was that the Detaining Authority was aware of the fact that the detainee was not granted bail in the 4th adverse case and also in the ground case. Insofar as the 4th adverse case is concerned, the Detaining Authority relied upon the order passed in Cr.M.P.No.5352 of 2024, dated 07.03.2024. Insofar as the ground case is concerned, the Detaining Authority took into consideration the order passed in Cr.M.P.No.5536 of 2023, dated 10.10.2023. By relying upon these orders, the Detaining Authority came to the conclusion that in similar cases, bail has been granted and therefore, there is likelihood of the detainee being let out on bail. The learned counsel submitted that both the orders relied upon by the Detaining Authority were not similar cases and therefore, there is non-application of mind.

4. In the case in hand, there were four adverse cases against the detainee apart from the ground case. The Detaining Authority was aware of the fact that the detainee was inside the jail in the 4th adverse case and also in the ground case. Insofar as the 4th adverse case is concerned, the order that was relied upon in Cr.M.P.No.5352 of 2024, dated 07.03.2024 was a case



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where there were no previous cases against the accused therein and insofar as the order passed in Cr.M.P.No.5536 of 2023, dated 10.10.2023 is concerned, in that case, even though two previous cases were brought to the notice of the Court, the Court took into consideration the fact that the co-accused were granted bail and that the investigation was almost over. Therefore, it is clear that both the orders that were relied upon by the Detaining Authority are not similar cases to that of the 4th adverse case and the ground case. Therefore, the detention order suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.63/BBCDEFGISSSV/2025, dated 07.08.2025, passed by the second respondent is set aside. The detenu, viz., Arumugakani, S/o. Petchimuthu, aged about 20 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



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Exercise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Tirunelveli City, Tirunelveli.
3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

Indu

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