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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.395 of 2026

R.Ramkumar

.. Petitioner / Maternal
uncle of the detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

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

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 records relating to the detention order passed by the 2nd respondent in H.S.(M).Confdl No.56/2025, dated 30.06.2025 and to quash the same and direct the respondents to produce the



body or his Nephew, the detenu namely Mathan @ Mathan Kumar, S/o.Muthukumar, aged about 20 years, before this Court and set him at liberty, now detained at Central Prison, Palayamkottai.

For Petitioner : Mr.P.Sureshkumar
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the maternal uncle of the detenu, by name Mathan @ Mathan Kumar, S/o.Muthukumar, aged about 20 years. The detenu has been detained by the second respondent by his order in H.S.(M).Confdl No. 56/2025, dated 30.06.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 appearing for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that no bail application was filed by the detainee and in spite of the same, he relied upon the order passed in Cr.M.P.No.6466 of 2024, dated 20.09.2024 and came to the conclusion that bail had been granted in a similar case and therefore, there is likelihood of the detainee coming out on bail. The learned counsel further submitted that the order relied upon was not a similar case and therefore, the detention order suffers from non-application of mind.

4. In the case in hand, there was one adverse case against the detainee apart from the ground case. In the order that was relied upon by the Detaining Authority, there were no previous cases and the Court took into consideration the long incarceration suffered by the accused therein and also the completion of the investigation. Therefore, the order that was relied upon by the Detaining Authority cannot be considered to be a similar case. Hence, the detention order passed by the second respondent, dated 30.06.2025, suffers from non-application of mind.



5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M).Confdl No.56/2025, dated 30.06.2025 passed by the second respondent is set aside. The detenu, viz., Mathan @ Mathan Kumar, S/o.Muthukumar, 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.)
08.04.2026
(1/2)

Index : Yes / No
Internet : Yes / No

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To

- 1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector and District Magistrate,
Thoothukudi District.
- 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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