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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.329 of 2026

Nivetha

.. Petitioner/Wife of the Detenue

Vs.

1.The Principal Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai 9.

2.The Commissioner of Police,
Tirchirappalli City,
Trichirappalli.

3.The Superintendent,
Central Prison,
Trichirappalli.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records in pursuant to the proceedings of the second respondent in detention order in C.No. 63/Detention/C.P.O/TC/2025, dated 02.08.2025, quash the same and consequently direct the respondents to produce petitioner's husband



Arunkumar, S/o.Periya Karuppu Devar, aged about 35 years, who is now detained in Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.A.Arun Prasad

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 Arunkumar, S/o.Periya Karuppu Devar, aged about 35 years. The detenu has been detained by the second respondent by his order in C.No.63/Detention/C.P.O/TC/2025, dated 02.08.2025, 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. Apart from the other grounds, the learned counsel for the petitioner mainly urges two grounds before this Court. The first ground is that the ground case ultimately ended in acquittal in S.C.No.595 of 2025, by judgment dated 23.03.2026 on the file of the II Additional District and Sessions Court, Tiruchirappalli. The learned counsel submitted that since the detenue has been acquitted, no useful purpose would be served in continuing the detention order against the detenue. The second ground raised is that the Detaining Authority was aware of the fact that the bail petition was pending and in spite of the same, relied upon the order passed in Cr.M.P.No.5973 of 2023, dated 23.11.2023 and came to the conclusion that bail has been granted in a similar case and therefore, there is a likelihood of the detenue coming out on bail. The learned counsel submitted that the order relied upon was not a similar case.

4. We are inclined to consider the second ground that was raised by the learned counsel for the petitioner. In the case in hand, the detenue had one adverse case and a ground case and the detenue has been acquitted in the ground case. In the order that was relied upon by the Detaining Authority in Cr.M.P.No.5973 of 2023, dated 23.11.2023, the Court had



taken into consideration the fact that the amount had been recovered and that the investigation was almost completed and the Court also took into consideration the incarceration suffered by the accused therein. The order that was relied upon by the Detaining Authority is certainly not a similar case and 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 C.No.63/Detention/C.P.O/TC/2025, dated 02.08.2025, passed by the second respondent is set aside. The detenu, viz., Arunkumar, S/o. Periya Karuppu Devar, aged about 35 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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Madurai Bench of Madras High Court,
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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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