



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.299 of 2026

V.Karunanithi

.. Petitioner / Father 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,
Tenkasi District, Tenkasi.

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, calling for the entire records connected with the detention order passed in M.H.S.Confdl.No.72/2025, dated 17.09.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenue namely the



petitioner's son ie., Mugeshkannan, S/o.Karunanithi, aged about 27 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.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, by name Mugeshkannan, S/o.Karunanithi, aged about 27 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.72/2025, dated 17.09.2025 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 for the petitioner, the main ground that was urged is that the Detaining Authority had taken into consideration the 6th adverse case and the ground case. The 6th adverse case was in Crime No.281 of 2025, where the Detaining Authority came to the conclusion that the detenue had not filed any bail application and that there is a likelihood of the detenue coming out on bail by relying upon the order passed in Cr.M.P.No.64 of 2022, dated 21.02.2022. The learned counsel submitted that, in the 6th adverse case, the detenue was refused to be remanded by the learned Magistrate. The relevant order dated 02.09.2025 is also available at page No.185 of the paper book. Insofar as the ground case in Crime No.282 of 2025 is concerned, the Detaining Authority took into consideration the order passed in Cr.M.P. No.6220 of 2022, dated 13.07.2022 and concluded that it is a similar case and that there is a likelihood of the detenue being released on bail. The learned counsel submitted that, in the said order, the Court had taken into consideration the fact that the accused therein had been incarcerated for more than 73 days and therefore, the said order cannot be considered to be a similar case.



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4. The Detaining Authority has considered the 6th adverse case and the ground case and has stated that no bail application has been filed; however, it has relied upon two orders to conclude that, in a similar case, bail has been granted and therefore, there is a likelihood of the detainee being released on bail.

5. In the 6th adverse case in Crime No.281 of 2025, the learned Judicial Magistrate, Alangulam, by an order dated 02.09.2025, has concluded that the offences involved are bailable and therefore, refused to remand the detainee. However, the Detaining Authority has stated that the detainee has been arrested and that there is a likelihood of the detainee coming out on bail, without taking note of the order passed by the learned Judicial Magistrate, dated 02.09.2025.

6. Even insofar as the ground case is concerned, in the order that was relied upon by the Detaining Authority, the Court has taken into consideration the fact that the accused therein had suffered incarceration for more than 73 days. Hence, the said order cannot be considered to be a similar case. Hence, the detention order passed by the Detaining Authority



suffers from non-application of mind.

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7. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.72/2025, dated 17.09.2025 passed by the second respondent is set aside. The detenu, viz., Mugeshkannan, S/o.Karunanithi, aged about 27 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

Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi.
- 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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