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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.305 of 2026

P.Suyambu

.. Petitioner/Father of the Detenue

Vs.

1.The State of Tamilnadu,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector and District Magistrate,
Nagercoil, Kanniyakumari 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 entire records connected with the detention order passed in P.D.No.36 of 2025 dated 30.10.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenue or body of the detenue namely the petitioner's son I.e.



Manoj Prabakar, S/o.Suyambu, aged about 29 years, now detained at the Central Prison, Palayamkottai, Tirunelveli District, 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 father of the detenu, by name Manoj Prabakar, S/o.Suyambu, aged about 29 years. The detenu has been detained by the second respondent by his order in P.D.No.36 of 2025, dated 30.10.2025, 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 urged by the petitioner is that the Detaining Authority was aware of the fact that the detainee had not filed any bail petition and in spite of the same, the Detaining Authority had taken into consideration the order passed in Cr.M.P.No.2028 of 2025, dated 04.06.2025 and had concluded that, in a similar case, bail had been granted and therefore, there was a likelihood of the detainee coming out on bail. The learned counsel for the petitioner submitted that the order relied upon by the Detaining Authority is not a similar case.

4. We have gone through the order passed in Cr.M.P.No.2028 of 2025, dated 04.06.2025. In that case, the Court had taken into consideration the fact that the accused therein had undergone incarceration for nearly 84 days and the investigation had almost been completed. Hence, the order relied upon by the Detaining Authority cannot be considered to be 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 P.D.No.36 of 2025, dated 30.10.2025, passed by the second



respondent is set aside. The detenu, viz., Manoj Prabakar, S/o.Suyambu, aged about 29 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

Indu

To

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