



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.331 of 2026

Jothimani

.. Petitioner / mother of the detenu
Vs.

1.The Additional Chief Secretary to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat Chennai-600 009.

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

3.State of Tamil Nadu,
The Inspector of Police,
Karur Town Police Station,
Karur, Karur District.

4.The Superintendent of Prison,
Special Prison for Women,
Trichy.

.....Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue
a writ of Habeas Corpus calling for the records pertaining to the impugned



detention order passed by the second respondent in Detention Order Cr.M.P.No.51 of 2025 dated 14.10.2025 and quash the same and direct the respondents to produce the detenue, Gopi @ Raghavi @ Ezhil, Transgender, D/o Selvaraj, aged 28 years, who is detained at Special Prison for Women, Trichy, before this Court and set her at liberty.

For Petitioner : Mr.B.Santhanam Rajesh Kumar
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Gopi @ Raghavi @ Ezhil, Transgender, D/o Selvaraj, aged 28 years. The detenu has been detained by the second respondent by his order in Detention Order No. Cr.M.P.No.51 of 2025 dated 14.10.2025 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.



WEB COPY

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.

3. Apart from the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised by the learned counsel appearing for the petitioner is that the Detaining Authority was aware of the fact that the bail petition filed by the detainee has been dismissed and in spite of the same, the Detaining Authority has taken into consideration the order passed in CrI.O.P.(MD).No.13247 of 2025 dated 13.08.2025 and has come to a conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detainee coming out on bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority is not a similar case and hence, the detention order suffers from non-application of mind.

4. On carefully going through the order passed in CrI.O.P.(MD).No. 13247 of 2025, it is seen that there were no previous cases against the accused therein and the Court took into consideration the fact that the



WEB COPY

concerned person suffered simple injuries and the car was also seized. In the case in hand, the detenu has two previous cases and therefore, there was a previous antecedent for the detenu. Certainly, the order that was relied upon by the Detaining Authority does not arise out of a similar case. Hence, 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 Cr.M.P.No.51 of 2025 dated 14.10.2025 passed by the second respondent is set aside. The detenu, viz., Gopi @ Raghavi @ Ezhil, Transgender, D/o Selvaraj, aged 28 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.)
15.04.2026

Index : Yes / No

Internet : Yes / No

TSG

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat Chennai-600 009.

2.The Commissioner of Police,



Madurai City,
Madurai.

WEB COPY

3. The Superintendent,
Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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

TSG

H.C.P.(MD)No.331 of 2026

15.04.2026