



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.04.2026

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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.336 of 2026

B.Shanthi

.. Petitioner / mother of the detenu
Vs.

- 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.
- 3.The Superintendent,
Central Prison,
Madurai.

.....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 pertaining to the proceedings of the second respondent made in Detention Order No. 25/BCDFGISSSV/2025 dated 16.07.2025 and quash the same and set the petitioner's son by name Nagarajan @ Ajith Nagarajan S/o.Subbiramani, aged about 26 years at liberty from the third respondent.



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For Petitioner : Mr.C.Prithviraj
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., Nagarajan @ Ajith Nagarajan S/o.Subbiramani, aged about 26 years. The detenu has been detained by the second respondent by his order in Detention Order No. 25/BCDFGISSSV/2025, dated 16.07.2025, 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 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 no bail petition was pending as on the date of passing of the detention order and in spite of the same, the Detaining Authority took into consideration the order passed in CrI.M.P.No.1998 of 2023 dated 29.05.2023 and came to a conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detenu 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.M.P.No.1998 of 2023 dated 29.05.2023, it is seen that bail was granted on the ground that the investigation has been completed by the prosecution. In the case in hand, investigation is pending and therefore, the order that was relied upon by the Detaining Authority is certainly not a similar case. Consequently, the detention order suffers from non-application of mind.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.25/BCDFGISSSV/2025 dated 16.07.2025 passed by the second respondent is set aside. The detenu, viz., Nagarajan @ Ajith Nagarajan S/o.Subbiramani, aged about 26 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,
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2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Superintendent,
Central Prison,
Madurai.

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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