



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

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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.333 of 2026

M.Mariammal

.. Petitioner / Mother of the detenu
Vs.

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

2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

3.The State of Tamilnadu,
Rep By the Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, to call for the records connected with the detention order passed in No.78/BBCDEFGISSSV/2025 dated 08.11.2025 on the file of the second respondent and direct the respondents to produce the detenu namely, the petitioner's son, Hariharan, aged about 25 years, S/o.Muthukumar, now detained at the Central Prison, Palayamkottai, before this court and set him at liberty.

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 mother of the detenu, by name, Hariharan, aged about 25 years, S/o.Muthukumar. The detenu has been detained by the second respondent by his order in No.78/BBCDEFGISSSV/2025 dated 08.11.2025, 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 is that there were totally five cases that were taken into consideration by the Detaining Authority, which were all registered on the same day for the offences under the BNS 2023, Explosive Substances Act, 1908, Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and also under the NDPS Act. Admittedly, there was no bail petition pending as on the date of passing of the detention order. However, the Detaining Authority has taken into consideration an order passed by this Court in CrI.O.P.(MD).No.7783 of 2025, dated 28.04.2025, which dealt with the offences under the BNS 2023, NDPS Act and Arms Act. The learned counsel submitted that in the entire order, there is no indication that there were any previous cases against the accused therein. But, however, in the present case, there were totally five cases that were dealt with by the Detaining Authority and obviously, there were multiple cases against the detenu and that was not the case in the order that was relied upon by the Detaining Authority. Therefore, it is contended that the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in CrI.O.P(MD).No.7783 of 2025. The said order pertained to a single



incident that had taken place on 31.03.2025, which constituted various offences, based on which, an FIR was registered in Crime No.171 of 2025.

In the case in hand, there were totally five different cases, which were assigned different crime numbers and the offences ranged from the NDPS Act, BNS 2023, Explosive Substances Act, 1908 and Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. Hence, the bail order that was considered for a solitary incident cannot be said to be a similar case where the Detaining Authority was dealing with five different cases against the detenu and consequently, 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 No.78/BBCDEFGISSV/2025 dated 08.11.2025, passed by the second respondent is set aside. The detenu, viz., Hariharan, aged about 25 years, S/o.Muthukumar, 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.,)
29.04.2026

Index : Yes / No
Internet : Yes / No
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To

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1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Tirunelveli City, Tirunelveli.
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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