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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.383 of 2026

Manjula

.. Petitioner/ Sister of the Detenu

Vs.

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

2.The District Magistrate Cum
the District Collector, Sivagangai District.

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 records relating to the detention order passed by the 2nd respondent in Cr.M.P.No.86/Goonda/2025 dated 19.08.2025 and quash the same and direct the respondents to produce the detenu named Samayadurai, S/o.Murugesan, Male, aged 25 years, who is



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detained at Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.R.Balamuruganantham
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the sister of the detenu, viz., Samayadurai, S/o.Murugesan, aged 25 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.86/Goonda/2025 dated 19.08.2025, 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, one of the main grounds that was raised is that the Detaining Authority was aware of the fact that the detenu had not filed any bail application, but however, the order passed by this Court in CrI.O.P(MD) No. 1613 of 2025, dated 28.01.2025, was taken into consideration and the Detaining Authority came to the conclusion that in a similar case, bail has been granted and there is a likelihood of the detenu 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 and therefore, the detention order suffers from non-application of mind.

4. We carefully went through the order passed in CrI.O.P(MD) No. 1613 of 2025, dated 28.01.2025. In that case, this Court took into consideration the fact that one of the co-accused was released on bail and this Court also took into consideration the incarceration suffered by the accused therein. In the case in hand, it is a solitary case of murder and both the accused persons were inside the jail. Therefore, the order that was relied upon by the Detaining Authority cannot be considered to be 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 Cr.M.P.No.86/Goonda/2025 dated 19.08.2025, passed by the second respondent is set aside. The detenu, viz., Samayadurai, S/o.Murugesan, Male, aged 25 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.)
22.04.2026

Index : Yes / No
Internet : Yes / No

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1. The Additional Chief Secretary to Government,
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Secretariat, Chennai.
2. The District Magistrate Cum
the District Collector, Sivagangai District.
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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