



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

H.C.P.(MD) No.363 of 2026

Vijaya

.. Petitioner / Mother of the detenu

Vs.

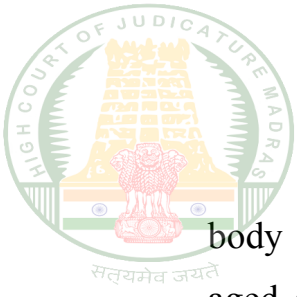
1.The State of Tamilnadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.

2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Ariyalur District, Ariyalur.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

.. 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 of the respondent No.2 in Cr.M.P.No.22/2025 dated 23.11.2025 and quash the same and direct the respondents to produce the



WEB COPY

body or person of the detenu by name Manikandan, S/o.Kolanchinathan, aged about 27 years, now detained as Sexual Offender at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (Crl.Side)

ORDER

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

The petitioner is the mother of the detenu, by name, Manikandan, S/o.Kolanchinathan, aged about 27 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.22/2025 dated 23.11.2025, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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 Counsel for State of TN (Crl.Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.



WEB COPY

3. Apart from the other grounds that were raised by the learned counsel for the petitioner, one of the main grounds raised is that there were totally three adverse cases and one ground case against the detenu and that the detenu was under judicial custody in the second and third adverse cases and in the ground case. The Detaining Authority has taken into consideration the fact that a bail petition was filed in the ground case and that it was dismissed. However, the Detaining Authority took into consideration the order passed in Cr.M.P.No.617 of 2025 and came to the conclusion that there is a likelihood of the detenu coming out on bail. The learned counsel submitted that the Detaining Authority was aware of the fact that the detenu was in judicial custody in the second and third adverse cases. However, there is absolutely no application of mind insofar as those two cases are concerned.

4. This Court carefully went through the detention order passed by the second respondent. The Detaining Authority was aware of the fact that the detenu was in judicial custody in the second and third adverse cases as well. The Detaining Authority has taken into consideration only the ground case



WEB COPY

and arrived at the subjective satisfaction and has not stated anything about the second and third adverse cases, in which the detenu was in judicial custody. Therefore, the detention order certainly suffers from non-application of mind. Useful reference can be made to the judgment in ***Sureka v. State of Tamil Nadu, reported in 2007 1 MLJ 257.***

5. It is brought to the notice of this Court that the police report has already been filed after completion of the investigation.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.22/2025 dated 23.11.2025 passed by the second respondent is set aside. The detenu, viz., Manikandan, S/o.Kolanchinathan, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.



7. In view of the same, if any bail petition is filed by the detenu, the

Court shall consider the same on its own merits and in accordance with law, and the order passed in this petition will not have any bearing while deciding the bail petition.

(N.A.V.,J..) (S.S.Y.,J.,)
08.06.2026

Index : Yes / No

Internet : Yes / No

Indu

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
- 2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Ariyalur District, Ariyalur.
- 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



**N.ANAND VENKATESH,J.
AND
S.SRIMATHY,J.**

Indu

H.C.P.(MD) No.363 of 2026

08.06.2026