



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.06.2026

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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.484 of 2026

Pechiammal

.. Petitioner / Mother of the detenu

Vs.

1.The Additional Chief Secretary to Government,
Home (Prohibition and Excise Department),
Secretariat, St.George Fort, Chennai-600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.

3.The Superintendent,,
Central Prison, Palayamkottai,
Tirunelveli District.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent vide M.H.S.Confdl.No.146/2025, dated 14.11.2025 issued against the petitioner's son namely Ganesh / detenue, aged about 23 years and set aside the same and consequently direct



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the respondents to produce the detenu/ Ganesh (23 years), S/o.Malaiyandi, before this Court, who is detained at Central Prison, Palayamkottai / 3rd respondent and set him at liberty.

For Petitioner : Mr.J.Arul Prakash

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, Ganesh, aged about 23 years, S/o.Malaiyandi. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.146/2025, dated 14.11.2025, 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.



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3. Apart from the other grounds that were raised by the learned counsel for the petitioner, one of the main ground that was relied upon is that the Detaining Authority was aware of the fact that the detainee had not filed any bail petition. But however, the Detaining Authority relied upon the order passed in Cr.M.P.No.2030 of 2021, dated 13.12.2021 and came to the 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 does not arise out of a similar case and therefore, the detention order suffers from non-application of mind.

4. In the instant case, the detainee was arrested on 16.10.2025 and no bail petition had been filed by the detainee and the detention order came to be passed on 14.11.2025. We have carefully gone through the order passed in Cr.M.P.No.2030 of 2021, dated 13.12.2021. It is seen that the Court had granted bail to the accused therein on the ground that he had suffered incarceration for 89 days and the investigation was almost over. In the case in hand, the investigation was pending and the detention order has been passed within a period of 28 days from the date of arrest. Hence, the order



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that was relied upon by the Detaining Authority cannot be considered to be a similar case. Consequently, the detention order passed by the second respondent dated 14.11.2025 suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.146/2025, dated 14.11.2025, passed by the second respondent is set aside. The detenu, viz., Ganesh, aged about 23 years, S/o.Malaiyandi, is directed to be released forthwith unless his detention is required in connection with any other case.

6. If the accused person moves a bail application before the Special Court, the same shall be considered on its own merits and in accordance with law and this order will not have any bearing while the Special Court deals with the bail petition.

(N.A.V.,J..) (K.K.R.K.,J.)
03.06.2026

Index : Yes / No
Internet : Yes / No

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2. The District Collector and District Magistrate,
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3. The Superintendent,,
Central Prison, Palayamkottai,
Tirunelveli District.
- 4s. 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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