



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.400 of 2026

Nagaraja @ Nagaraj

.. Petitioner / detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise (IX) Department,
Fort St George,
Chennai-600 009.

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

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



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detention order passed by the second respondent in Cr.M.P.No.27 of 2025 (Goonda) dated 02.12.2025 and quash the same and direct the respondents to produce the body or person of the detenu, by name, Nagaraja @ Nagaraj son of Ganesan, aged about 25 years, now detained at Madurai Central Prison before this Court and set him at liberty.

For Petitioner : Mr.DR.R.Alagumani
For Respondents : Mr.G.Karuppasamy Pandian,
learned counsel for the State
of Tamil Nadu (Criminal
Side)

ORDER

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

The petitioner is the detenu, by name, Nagaraja @ Nagaraj son of Ganesan, aged about 25 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.27 of 2025 dated 02.12.2025 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.



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2. We have heard the learned counsel appearing for the petitioner and the learned counsel for the State of Tamil Nadu (Criminal Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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 the Detaining Authority was aware of the fact that no bail petition was filed by the detenu and in spite of the same, the Detaining Authority relied upon the order passed in CrI.M.P.No.2726 of 2024 and came to a conclusion that bail has been granted in a similar case 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 does not arise out of a similar case and hence, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 2726 of 2024. That was a case where the Court had taken into consideration the fact that investigation had been completed and bail had been granted to



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the co-accused and the Court also took into consideration the fact that the accused therein had suffered 93 days incarceration. Hence, the order that was relied upon by the Detaining Authority certainly does not arise out of a similar case. Hence, 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 Cr.M.P.No.27 of 2025 (Goonda) dated 02.12.2025 passed by the second respondent is set aside. The detenu, viz., Nagaraja @ Nagaraj son of Ganesan, aged about 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.)
05.06.2026

Index : Yes / No

Internet : Yes / No

TSG

To

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



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

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

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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