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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.376 of 2026

Rahamathullah Alias Joswa

.. Petitioner/ Detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The Commissioner of Police,
O/o.The Commissioner,
Tiruchirappalli.

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

.....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 C.No. 67/Detention/C.P.O/TC/2025 dated 27.09.2025 and quash the same and



direct the respondents to produce the body or person of the detenu by name Rahamathullah alias Joswa, S/o.Mohamed Yunus, aged about 24 years, now detained as Goonda at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, viz., Rahamathullah alias Joswa, S/o. Mohamed Yunus, aged about 24 years. The detenu has been detained by the second respondent by his order in C.No.67/Detention/C.P.O/TC/2025, dated 27.09.2025, 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 no bail application has been filed by the detenu and in spite of the same, the Detaining Authority had taken note of the order passed in CrI.M.P.No.76 of 2025, dated 17.02.2026 and came to the conclusion that 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.M.P.No.76 of 2025, dated 17.02.2025. There is no indication in this order that there are previous cases against the accused therein. Apart from that, the Court had also taken into consideration the fact that the investigation was almost over and the property had also been recovered by the Police. In the case in hand, there are three adverse cases against the detenu and the investigation was pending. 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 C.No.67/Detention/C.P.O/TC/2025, dated 27.09.2025, passed by the second respondent is set aside. The detenu, viz., Rahamathullah alias Joswa, S/o. Mohamed Yunus, aged about 24 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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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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