



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.06.2026

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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.472 of 2026

Vairamani

.. Petitioner / Wife of the detenu

Vs.

- 1.The State of Tamilnadu,
Represented by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Virudhunagar.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 4.State of Tamilnadu,
Represented by the Inspector of Police,
AWPS-Sattur,
Virudhunagar District

.. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the record relating to the detention order in Cr.M.P.No.08/2025 dated 05.06.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenue namely Manikandan @ Mani, S/o.Muniyasamy, aged 44/2025, now detained as Sexual Offender, at Central Prison, Madurai District and set him at liberty forthwith.

For Petitioner : Mr.Jagadeeshwaran.R
For Respondents : Mr.T.Lenin Kumar
Counsel for State of TN (crl.side)

ORDER

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

The petitioner is the wife of the detenu, by name, Manikandan @ Mani, S/o. Muniyasamy, aged 44 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.08/2025 dated 05.06.2025, 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 Additional Public Prosecutor 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 for the petitioner, one of the main ground- that was raised is that the Detaining Authority was aware of the fact that the detainee had not filed any bail petition and in spite of the same, the Detaining Authority took into consideration the order passed in CrI.M.P.No.14 of 2017, dated 23.01.2017, and came to a conclusion that in a similar case, bail had been granted and therefore, there was a likelihood of the detainee being granted bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority was not a similar case and therefore, the detention order suffered from non-application of mind.

4. We carefully went through the order passed in CrI.M.P.No.14 of 2017, dated 23.01.2017. That was a case where the accused therein was inside prison for more than 150 days and there was no progress and therefore, the Court had granted bail to the accused on that ground. In the



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present case, the detenu was arrested on 08.05.2025 and no bail petition was filed and the detention order was passed on 05.06.2025, within a period of 28 days. Hence, the bail order that was relied upon by the Detaining Authority did not arise out of a similar case. In the earlier order passed by the Court in HCP(MD) No.804 of 2025, dated 19.01.2026, this ground was not considered by this Court. In view of the same, this Court finds that 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.08/2025 dated 05.06.2025, passed by the second respondent is set aside. The detenu, viz., Manikandan @ Mani, S/o. Muniyasamy, aged 44 years, is directed to be released forthwith unless his detention is required in connection with any other case.

6. It is brought to our notice that the case is presently at the stage of trial. Hence, if any bail petition is filed by the detenu, the same will be considered on its own merits and in accordance with law by the Special Court and the order passed in the present petition will not have any bearing



while deciding the bail petition.

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(N.A.V.,J..) (K.K.R.K.,J.)
01.06.2026

Index : Yes / No
Internet : Yes / No

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To

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O/o.The District Magistrate and District Collector,
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Madurai Central Prison,
Madurai District.
- 4.The Inspector of Police,
AWPS-Sattur,
Virudhunagar District
- 5.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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