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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.407 of 2026

M.V.Vidya

.. Petitioner / Wife of the detenu
Vs.

1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St George,
Chennai 600009.

2.The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli 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 in P.D.No.42 of 2025 dated 04.12.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu, namely, the petitioner's husband, i.e., Thanumoorthy @ Vimal, aged about 36 year, s/o. Radhakrishnan, now detained at the Central Prison, Palayamkottai, Tirunelveli District, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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 wife of the detenu, by name, Thanumoorthy @ Vimal, aged about 36 years, s/o. Radhakrishnan. The detenu has been detained by the second respondent by his order in P.D.No.42 of 2025 dated 04.12.2025 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 and in spite of the same, the Detaining Authority relied upon the order that was passed in CrI.M.P.No.2028 of 2025 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. 2028 of 2025 which was relied upon by the Detaining Authority. That was a case where the Court had taken into consideration the fact that the accused



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therein had suffered incarceration for nearly 84 days and investigation was at the fag end. Therefore, 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 P.D.No.42 of 2025 dated 04.12.2025 passed by the second respondent is set aside. The detenu, viz., Thanumoorthy @ Vimal, aged about 36 years, s/o. Radhakrishnan, 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 Secretary to Government,
Home, Prohibition and Excise Department,
Fort St George,
Chennai 600009.

2.The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.



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