



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2026

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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.453 of 2026

Alagar

.. Petitioner / father of the detenu

Vs.

1.The State of Tamilnadu,
Rep by its the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2.The Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent,
Central Prison,
Madurai.

.. 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 second respondent in No.60/BBCDEFGISSSV/2025 dated 17.10.2025 and quash the same as illegal and direct the respondents to produce the person or body of the detenu, namely, Dhanapal s/o Alagar,



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aged about 35 years (now detained at Central Prison, Madurai) before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.G.Karuppasamy Pandiyan,
Counsel for State of Tamil
Nadu, (Criminal Side)

ORDER

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

The petitioner is the father of the detenu, by name, Dhanapal s/o Alagar, aged about 35 years. The detenu has been detained by the second respondent by his order in No.60/BBCDEFGISSSV/2025 dated 17.10.2025 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 counsel for State of Tamil Nadu (Criminal Side) 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 appearing for the petitioner one of the main ground that was urged is that the bail petition filed by the detenu was pending and in spite of the same, the Detaining Authority took into consideration the order passed in CrI.M.P.No.3342 of 2022 and came to a conclusion that 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 therefore, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 3342 of 2022. The accused therein was Accused No.3 and the Court took into consideration the fact that Accused No.3 had suffered incarceration for nearly 40 days and had one previous case and the investigation was at the fag end. In the case in hand, the detenu was arrested on 30.09.2025 and the detention order was passed on 17.10.2025 and investigation was pending. Apart from that there were two adverse cases against the detenu. Therefore, the order that was relied upon by the Detaining Authority does not arise out of 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 No.60/BBCDEFGISSSV/2025 dated 17.10.2025 passed by the second respondent is set aside. The detenu, viz., Dhanapal s/o Alagar, aged about 35 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.,)
02.06.2026

Index : Yes / No

Internet : Yes / No

TSG

To

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2.The Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent,
Central Prison,
Madurai.

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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