



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.449 of 2026

Priyadharshini

.. Petitioner / Sister of the
detenu

Vs.

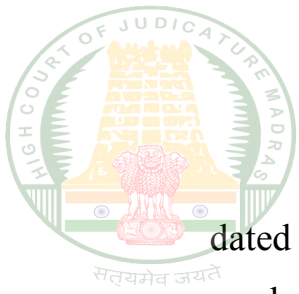
1.The State of Tamil Nadu,
Rep By,
The Principal and Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.

2.The Commissioner,
Commissioner Office,
Madurai City.

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, all for the entire records connected with the detention order of the second respondent in No.63/BBCDEFGISSSV/2025



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dated 29.10.2025 and quash the same as illegal and direct the respondents to produce the person or body of the detenu, namely, Prasanna S/o Prabhakaran, aged about 22 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 sister of the detenu, by name, Prasanna S/o Prabhakaran, aged about 22 years. The detenu has been detained by the second respondent by his order in No.63/BBCDEFGISSSV/2025 dated 29.10.2025 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 raised is that the Detaining Authority was aware of the fact that the bail petition filed by the detenu in the ground case was dismissed and subsequent bail petition was pending before the concerned Court and in spite of the same, the Detaining Authority had relied upon an order passed in CrI.M.P.No.5786 of 2023 and has come to a conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detenu being let 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, there is non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 5786 of 2023. The Court while granting bail to the accused therein had taken into consideration the fact that the co-accused (A-1 and A-2) were already granted bail and investigation was at the final stage and the injured had been discharged and the Court also took into consideration the period of incarceration suffered by the accused therein. In the case in hand, the investigation was pending and the order that was relied upon by the



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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 No.63/BBCDEFGISSSV/2025 dated 29.10.2025 passed by the second respondent is set aside. The detenu, viz., Prasanna S/o Prabhakaran, aged about 22 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

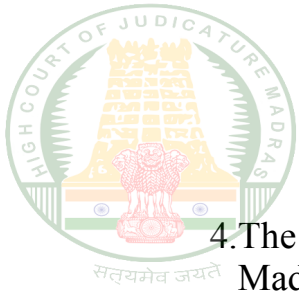
TSG

To

1.The Principal and Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.

2.The Commissioner,
Commissioner Office,
Madurai City.

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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