



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

H.C.P.(MD) No.458 of 2026

Kalavathi

.. Petitioner/Mother of the detenu

Vs.

1.The State of Tamilnadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

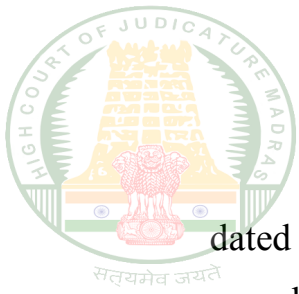
2.The District Magistrate and District Collector,
Karur District.

3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.

4.The Superintendent of Prison,
Central Prison,
Trichy.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the 2nd respondent in proceedings Cr.M.P.No.63/2025



WEB COPY

dated 02.12.2025 and quash the same as illegal and produce the detenu namely Boominathan, S/o.Radhakrishnan, aged about 46 years, now he is confined in Central Prison, Trichy, before this Court and set him at liberty/

For Petitioner : Mr.Yogeswaran.S

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (Crl.Side)

ORDER

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

The petitioner is the mother of the detenu, by name, Boominathan, S/o.Radhakrishnan, aged about 46 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.63/2025 dated 02.12.2025, 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.

2. We have heard the learned counsel appearing for the petitioner and the learned Counsel for State of TN (Crl.Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.



WEB COPY

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 no bail petition had been filed by the detenue and in spite of the same, the Detaining Authority has taken into consideration the order passed in Cr.M.P.No.1605 of 2023, dated 10.04.2023 and has come to the conclusion that bail has been granted in a similar case and therefore, there is a likelihood of the detenue 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 Cr.M.P.No. 1605 of 2023, dated 10.04.2023. It is seen that the accused therein was arrested for the alleged offence under Section 394 of IPC and on going through the order, it is seen that there were no previous cases against the accused therein. Therefore, the concerned Court had granted bail to the accused by imposing conditions. In the case in hand, there were two adverse cases against the detenue and the ground case was for the offences under Sections 397, 364A and 395 of IPC. Therefore, the order that was relied



WEB COPY

upon by the Detaining Authority certainly does not arise out of a similar case and consequently, 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.63/2025 dated 02.12.2025 passed by the second respondent is set aside. The detenu, viz., Boominathan, S/o.Radhakrishnan, aged about 46 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (S.S.Y.,J.,)
08.06.2026

Index : Yes / No
Internet : Yes / No

Indu



WEB COPY

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Magistrate and District Collector,
Karur District.
3. The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
4. The Superintendent of Prison,
Central Prison,
Trichy.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



**N.ANAND VENKATESH,J.
AND
S.SRIMATHY,J.**

Indu

H.C.P.(MD) No.458 of 2026

08.06.2026