



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.486 of 2026

Sudha

.. Petitioner / Mother of the
detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

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

3.The Superintendent,,
Central Prison, Madurai,
Madurai District.

4.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.

.. Respondents



WEB COPY

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent in Detention Order No. 72/BBCDEFGISSSV/2025, dated 29.11.2025 and to quash the same and direct the respondents to produce the body or person of the detenue, viz., Swaminathan (aged 25), S/o.Balamarthandam, before this Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.M.Niranjana Devi

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, Swaminathan, aged about 25 years, S/o.Balamarthandam. The detenu has been detained by the second respondent by his order in Detention Order No.72/BBCDEFGISSSV/2025, dated 29.11.2025, 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.



WEB COPY

2. We have heard the learned counsel appearing for the petitioner and the learned Counsel for State of TN (CrI.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 for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that the detenu had not moved any bail application in the ground case and inspite of the same, the Detaining Authority relied upon the order in Cr.M.P.No.3511 of 2022, dated 28.11.2025 and came to the conclusion that bail had been granted in a similar case and therefore, there was a likelihood of the detenu coming out on bail. The learned counsel submitted that the order relied upon is not a similar case and therefore, the detention order suffers from non-application of mind.

4. In the instant case, the detenu was arrested on 28.10.2025 and the detention order came to be passed on 29.11.2025. In the order that was relied upon by the Detaining Authority in Cr.M.P.No.3452 of 2022, dated



WEB COPY

28.11.2025, the Court took into consideration the fact that the accused therein had suffered 72 days incarceration and the investigation was almost over. The order that was relied upon by the Detaining Authority is certainly not a similar case and therefore, 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 Detention Order No.72/BBCDEFGISSSV/2025, dated 29.11.2025, passed by the second respondent is set aside. The detenu, viz., Swaminathan, aged about 25 years, S/o. Balamarthandam, 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.,)
03.06.2026

Index : Yes / No
Internet : Yes / No

Indu



WEB COPY To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police,
Madurai City, Madurai District.
- 3.The Superintendent,,
Central Prison, Madurai,
Madurai District.
- 4.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



**N.ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

Indu

H.C.P.(MD) No.486 of 2026

03.06.2026