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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.BALAJI

H.C.P.(MD)No.502 of 2026

Marichamy

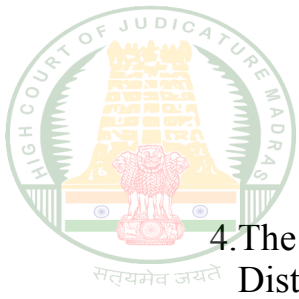
.. Petitioner / detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The District Collector and District Magistrate
/ Detaining Authority,
Office of the District Collector and District Magistrate,
Theni District,
Theni.

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



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4. The Superintendent of Prison,
District Jail, Theni,
Theni 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 impugned detention passed by the second respondent vide his order in No. 83/2025, dated 12.12.2025 and quash the same, consequently directing the respondents to produce the detenu, by name, Marichamy, son of Murugan, aged about 28 years, now detained at District Jail, Theni before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.G.Karuppasamy Pandian,
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 detenu, by name, Marichamy, son of Murugan, aged about 28 years. The detenu has been detained by the second respondent by his order in No.83/2025, dated 12.12.2025, 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 had been filed by the detenu and in spite of the same, the Detaining Authority relied upon the order passed in CrI.M.P.No.968 of 2025 and came to a conclusion that in a similar case, bail has been granted 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. 968 of 2025. That was a case where the Court had granted statutory bail on the ground that investigation had not been completed within a period of 90



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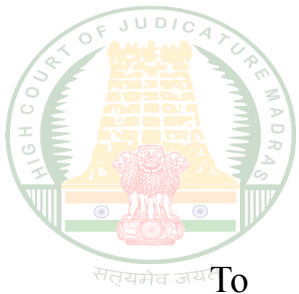
days. In the case in hand, investigation was pending and the arrest had taken place on 13.11.2025 and whereas, the detention order came to be passed on 12.12.2025 itself. Therefore, the order that was relied upon by the Detaining Authority does not arise out of a similar case and hence, the detention order suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.83/2025, dated 12.12.2025 passed by the second respondent is set aside. The detenu, viz., Marichamy, son of Murugan, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

6. It is brought to the notice of this Court that the police report has already been filed on time after the investigation. Hence, if any bail petition is filed by the detenu, the same shall be considered by the concerned Court on its own merits and in accordance with law and the order passed in this petition will not have any bearing in deciding the bail petition.

(N.A.V.,J..) (P.B.B.,J.,)
09.06.2026

Index : Yes / No
Internet : Yes / No
TSG



To

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Office of the District Collector and District Magistrate,
Theni District,
Theni.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.
4. The Superintendent of Prison,
District Jail, Theni,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.BALAJI,J.**

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