



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.528 of 2026

Muthuselvi

.. Petitioner / Wife of the detenu
Vs.

- 1.State of Tamil Nadu,
represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tenkasi, Tenkasi District.
- 3.The Inspector of Police,
Pulliyangudi Police Station,
Tenkasi District.
- 4.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.

.. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India. to issue a writ of Habeas Corpus, to call for the records of the second respondent in M.H.S.Confdl No.01 of 2026, dated 03.01.2026 and set aside the same and direct the respondents to produce the detenu, Sakthivel, son of Ramar, aged 28 years, now confined at the Central Prison, Palayamkottai, Tirunelveli District before this Court and set him at liberty.

For Petitioner : Mr.S.Muthu Malai Raja
For Respondents : Mr.G.Karuppasamy Pandian,
learned 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 wife of the detenu, by name, Sakthivel, son of Ramar, aged 28 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.101 of 2026 dated 03.01.2026 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 the detenu had two adverse cases and one ground case and the detenu had not filed any bail application in the ground case and in spite of the same, the Detaining Authority had taken into consideration the order passed in CrI.M.P.No.1985 of 2020 and came to a conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detenu coming out on bail. It is submitted that the order that was relied upon by the Detaining Authority did 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. 1985 of 2020 and it is seen that the Court had granted bail on the ground



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that investigation was almost complete and there were no previous cases against the accused therein and the Court had also taken into consideration the incarceration suffered by the accused therein. Hence, the order relied upon by the Detaining Authority certainly did 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 M.H.S.Confdl No.101 of 2026 dated 03.01.2026 passed by the second respondent is set aside. The detenu, viz., Sakthivel, son of Ramar, aged 28 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.)
19.06.2026

Index : Yes / No

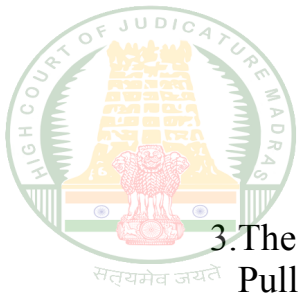
Internet : Yes / No

TSG

To

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

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



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3. The Inspector of Police,
Pulliyangudi Police Station,
Tenkasi District.

4. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.

5. 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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