



H.C.P.(MD)No.967 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

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T.Balamurugan

... Petitioner

-VS-

- 1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
 - 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
 - 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in H.S(M)Confdl.No.58/2025,



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dated 30.06.2025, on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son I.e., Chelladurai, aged about 26 years, S/o.Balamurugan, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the father of the detenu viz., Chelladurai, son of Balamurugan, aged about 26 years. The detenu has been detained by the second respondent by his order in H.S(M)Confdl.No.58/2025, dated 30.06.2025, holding him to be a "Goonda", as contemplated under Section 2(f) of 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 Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel for the petitioner raised a ground that the detenu was arrested and remanded to judicial custody on 02.06.2025 in pursuant to the registration of the FIR in Cr.No.248 of 2025 for the offences punishable under Sections 3(5), 126(2), 296(b), 103(1), 351(3) BNS, 2023. Subsequently, by an order dated 30.06.2025, the detenu was detained under Act 14 of 1982. In the grounds of detention, the detaining authority stated that the detenu has tried to file an bail application in the ground case registered in Cr.No.248 of 2025. Further, in a similar case, the co-accused filed an bail application and he was granted bail in Cr.M.P.No.6466/2024 on 20.09.2024. Therefore, the detaining authority infer that there is a real possibility of coming out on bail by the detenu in the above case by filing bail application. The detenu did not even file bail application sofar in Cr.No.248 of 2025. In this regard, he relied on



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the judgment of the Hon'ble Supreme Court of India in ***Criminal Appeal No.239 of 2026*** in the case of ***Alagu vs. The State of Tamil Nadu and others***, in which, a specific ground was raised that since the bail prayer of the detenu was already dismissed and no fresh application for bail was filed and as such, there was no cogent material for the detaining authority to be satisfied that there is likelihood of the detenu being released on bail in near future. For the said issue, the Hon'ble Supreme Court of India held that the bail prayer of the detenu had already been rejected by the Sessions Court and there was no fresh bail application filed by the detenu. Further, there is nothing on record to indicate that co-accused of the case in which the appellant was under judicial custody was admitted to bail on the date of detention order was passed. Therefore, the order of detention was quashed. He further submitted that the representation dated 07.08.2025 was not considered to reconsider the order of detention.

4. On perusal of the counter affidavit and also on the submission made by the learned Additional Public Prosecutor revealed that the detenu or his relative did not even submit any representation and



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there is no proof to show that the detenu or his relative submitted a representation on 07.08.2025. Therefore, there is no question of delay in considering the representation submitted by the detenu. Further, the order of detention was passed on 30.06.2025 and it was sent to the Government for approval on 04.07.2025 and hence, there is no delay in forwarding the detention order to the Government for approval. Therefore, Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982 is duly complied with

5. Insofar as the judgment relied on by the learned counsel for the petitioner is concerned, in the case on hand, though the detenu did not file any bail application in Cr.No.248 of 2025 registered for the offences punishable under Section 3(5), 126(2), 296(b), 103(1), 351(3) of BNS, similarly placed accused was granted bail in Cr.No.129 of 2024 by an order, dated 20.09.2024, therefore, the detaining authority have rightly apprehended that there is a real possibility of the detenu coming out on bail on filing the bail application. Hence, the judgment relied on by the the learned counsel for the petitioner is not applicable to the case on



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hand. That apart, every accused has right to file an application for bail immediately after their remand. Therefore, the detaining authority rightly apprehended that there is a real possibility of coming out on bail. Therefore, there are cogent for the detaining authority to be satisfied that there is a likelihood of the detenu for coming out on bail. Hence, this Court finds no ground to interfere with the order of the detaining authority.

6. Accordingly, this Habeas Corpus Petition is dismissed.

[G.K.I., J.] [R.P., J.]
29.01.2026

am
NCC :Yes/No
Index: Yes/No
Internet: Yes/No



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To

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Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
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Thoothukudi.
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Central Prison,
Palayamkottai,
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

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