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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-10-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

HCP(MD) No. 1069 of 2026

CNR:{HCMD011132092026}

Aravinth ..Petitioner(s)

Vs

1. The State of Tamilnadu
   Rep. By its, The Additional Chief Secretary to the Government,
   Home, Prohibition and Excise Department,
   Secretariat,
   Chennai-600 009.

2. The District Collector and District Magistrate,
   Office of the District Collector and District Magistrate,
   Sivagangai District,
   Sivagangai.

3. The Superintendent of Prison,
   Maduria Central Prison,
   Madurai-625 016. ..Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a writ of habeas corpus, to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the Respondent No.2 in Cr.MP.No.51/S.O./2026 dated 06.07.2026 and quash the same and direct the respondents to produce the body or person of the detenue by name Aravinth son of Sundaram, aged about 24 years,

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now detained as “Sexual Offender” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner(s) : Mr.Dr.R.Alagumani
For Respondent(s) : Mr.G.Karuppasamy Pandiyan
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, aged 24 years. The detenu has been detained by the second respondent by his detention order in Cr.MP.No.51/S.O./2026 dated 06.07.2026, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. The learned counsel for the petitioner would submit that the detenu had not filed any application for bail. While so, the detaining authority relying on another case stating it to be a similar case, has inferred that there is a real possibility of the detenu coming out on bail. The subjective satisfaction recorded by the authority without disclosing the facts of the other case and without any supporting material, is a mere *ipse dixit*. Hence, he prays for setting aside the impugned detention order.

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3. The learned Additional Public Prosecutor appearing for the respondents submitted that, while the petitioner was detained under the Goondas Act, he escaped from prison on 01.09.2026, pursuant to which an FIR in Crime No.296 of 2026 was registered for the offence under Section 262 of BNS. Further, the petitioner is also involved in a case under Section 302 of IPC, which is heinous in nature.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

5. When no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Therefore, the subjective satisfaction arrived at by the detaining authority is *ipse dixit*. Further, the similar case relied on also does not pertain to a co-accused and it pertains to a different crime number registered in the year 2023. Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in **Alagu vs The State of Tamil Nadu** reported in **2026 SCC OnLine SC 976 : (2026) SCC 976.** Therefore, we are inclined to interfere with the impugned order.

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6. In the result, the Habeas Corpus Petition is allowed and the order of detention made in in Cr.MP.No.51/S.O./2026 dated 06.07.2026, passed by the second respondent is set aside. The detenu namely, Aravinth son of Sundaram, aged 24 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

7. It is made clear that, in this order, we are concerned only with the detention order. With regard to the petitioner's escape from prison and the criminal cases pending against him, the Trial Court shall consider any bail application on its own merits, uninfluenced by the observations made in this order.

(M.N.K.,J.) (N.G.N.,J.)
29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sji

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

2. The District Collector and District Magistrate
   Office of the Distcict Collector and District Magistrate
   Sivagangai District
   Sivagangai

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3. The Superintendent of Prison
   Maduria Central Prison
   Madurai-625 016

4. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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M.NIRMAL KUMAR, J.
AND
N.GUNASEKARAN, J.
sji

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