



HCP(MD)No.1141 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.03.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL**

H.C.P.(MD)No.1141 of 2025

P.Alagamuthu

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep By, The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat, Fort St. George,
Chennai - 9..

2. The District Collector and District Magistrate,
Collectorate Office,
Virudhunagar District..

3. The Chairman,
Advisory Board (B.L. Etc. Act),
Zonal Office, Madurai Corporation,
Anaiyur, Koodal Pudur Post,
Near Anaiyur Bus Stand, Madurai..

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

... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records pertaining to the impugned detention order passed by the 2nd respondent in Cr.M.P.No.17 of 2025, dated 03.09.2025, quash the same and direct the respondents to release the detenu namely G.Ponnupandiyan, S/o.Gurusamy Thevar, aged 47 years, residing at No.1/126 Middle Street, Vijayakaraisalkulam, Virudhunagar District who is presently detained at Central Prison, Madurai and set him at liberty.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Ponnupandiyan aged about 47 years, S/o.Gurusamy Thevar. The detenu has been detained by the second respondent by his order in Cr.M.P.No.17 of 2025, dated 03.09.2025 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. Apart from the other grounds, one of the ground that has been stated in the detention order is that in similar offence, another accused person was enlarged on bail by an order passed in C.M.P No.202 of 2022 dated 02.03.2022 by the Judicial Magistrate, No.2 Court, Sattur. Therefore, the detaining authority came to the conclusion that there is a real possibility of the detenu/accused person being granted bail.

4. We have gone through the order passed in C.M.P.No.202 of 2022 dated 02.03.2022, wherein, default bail has been granted under Section 167(2) of the Code of Criminal Procedure and it was not an order passed on merits.

5. In view of the above, the bail order that was relied upon by the detaining authority cannot be applied in this case, since the order, where



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reliance is placed upon, is of statutory bail and is not an order on merits.

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6 In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.17 of 2025, dated 03.09.2025 passed by the second respondent is set aside. The detenu, viz., G.Ponnupandiyan S/o.Gurusamy Thevar, aged about 47 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J.)

(P.D.B.,J.)

02.03.2026

Index : Yes/No

Internet : Yes

RR

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Sivagangai District, Sivagangai.
- 3.The Superintendent of Prison,
Central Prison, Madurai, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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

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