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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1275 of 2025

Anjalai

.. Petitioner / mother of the detenu

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat Chennai-600 009.

2.The Commissioner of Police,
Trichirappalli City.

3.The Superintendent of Prison,
Central Prison,
Trichirappalli 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 pertaining to the detention order in C.No.71/Detention/C.P.O/TC/2025, dated 06.10.2025 passed by the second respondent and set aside the same by setting the detenu, namely, Abishek @ Abi, S/o.Sakthivel, aged 23/2025 years and set him at liberty, now detained at Central Prison, Trichy.



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For Petitioner : Mr.K.Sivabalan
for M/s.Aran Legal Consultancy
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Abishek @ Abi, S/o.Sakthivel, aged about 23 years. The detenu has been detained by the second respondent by his order in C.No.71/Detention/C.P.O/TC/2025, dated 06.10.2025, 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.

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 raised by the learned counsel appearing for the petitioner, one of the main ground that was raised by the



learned counsel appearing for the petitioner is that as on the date of the passing of the detention order, no bail petition was pending and the bail order that was referred by the Detaining Authority passed in CrI.M.P.No.140 of 2021 dated 11.01.2021 is not a similar case.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that there was a communal clash, wherein caste Hindus attacked the persons belonging to the Scheduled Caste Community. Therefore, in order to avoid any further clash to maintain peace and tranquility, the detention order was warranted.

5. On going through the detention order, it is seen that the Detaining Authority was aware of the fact that no bail petition was filed or pending on the side of the detenu. The Detaining Authority has relied upon the order passed in CrI.M.P.No.140 of 2021 dated 11.01.2021 and coming to a conclusion that in a similar case, the bail was granted and therefore, there is every chances of the detenu coming out of the bail indulging in further activities.



6. On carefully going through the order passed in CrI.M.P.No.140 of 2021, dated 11.01.2021, it is seen that in that case, investigation was completed and accused therein had suffered judicial custody for more than 74 days and therefore, the bail was granted. However, the case in hand, it was a solitary case involving a communal clash and investigation was pending.

7. Therefore, the order passed in CrI.M.P.No.140 of 2021 dated 11.01.2021 cannot be considered to a similar case. This clearly reflects the non-application of mind.

8. In the result, the Habeas Corpus Petition is allowed and the order passed by the second respondent in C.No.71/Detention/C.P.O/TC/2025, dated 06.10.2025 is set aside. The detenu, viz., Abishek @ Abi, S/o.Sakthivel, aged about 23 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.,)
10.03.2026

Index : Yes / No
Internet : Yes / No
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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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