



HCP(MD) No.1305 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

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

H.C.P.(MD)No.1305 of 2025

Rojabanu

... Petitioner / mother of the  
detenu

Vs.

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

2. The District Magistrate and District Collector,  
O/o.The District Magistrate and District Collector,  
Dindigul District.

3. The Superintendent of Prison,  
Madurai Central Prison,  
Madurai 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 connected with the detention order of the Respondent No.2 in Detention order No.53/2025 dated 31.08.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Aamu @ Rafeek Raja, son of



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Raman @ Rahamathulla, aged about 22 years, now confining at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Ramesh Kumar  
for Mr.R.Alagumani

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., Aamu @ Rafeek Raja, S/o. Raman @ Rahamathulla, aged 22 years. The detenu has been detained by the second respondent by his order in Detention order No.53/2025, dated 31.08.2025 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.



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3. Though several grounds have been raised in the Habeas Corpus Petition, one of the main ground that was raised by the learned counsel for the petitioner is that the detaining authority had taken into consideration the order passed in CrI.M.P.No.7 of 2024 dated 04.01.2024 and came to a conclusion that it is a similar order granting bail to the accused therein and therefore there is likelihood of the detenu coming out on bail by filing a bail petition.

4. In our considered view, the detenu had not filed any bail petition before any Court on the date of passing of the detention order. That apart, the detenu had three adverse cases apart from the ground case and therefore, there was a previous antecedent for the petitioner. However, in the bail order that was relied upon by the detaining authority, it is seen that there was no previous antecedents for the accused therein and the concerned Court had taken into consideration the bail granted to the co-accused and also considered the period of incarceration suffered by the accused therein. Therefore, by no stretch, the said bail order can be considered to be a similar case. Accordingly, there is a clear non-application of mind.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention order No.53/2025, dated 31.08.2025 passed by the second respondent is set aside. The detenu, viz., Aamu @ Rafeek Raja, S/o. Raman @ Rahamathulla, aged 22 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.]  
04.03.2026

Index : Yes / No  
Internet : Yes / No  
PKN



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To

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O/o.The District Magistrate and District Collector,  
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Madurai District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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AND  
P.DHANABAL,J.**

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