



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1346 of 2025

Sangareshwari

.. Petitioner / Mother of the detenu
Vs.

- 1.The Additional Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
O/o the District Collector and District Magistrate,
Tenkasi District, Tenkasi.
- 3.The Superintendent of Prison,
Palayamkottai,
Tirunelveli.

.....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 proceedings of the second respondent made in his proceedings in Detention Order in M.H.S.Confdl.No.76 / 2025 dated 07.10.2025 and set aside the same as illegal and direct the respondents to produce the body or person of



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the petitioner's son, namely, Poovalingam, son of Mani, aged about 23 years, who is detained in Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.V.Muthuvelan

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., Poovalingam, son of Mani, aged about 23 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.76 / 2025 dated 07.10.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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 that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised



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by the learned counsel appearing for the petitioner is that no bail petition was filed and in spite of the same, the Detaining Authority has taken into consideration the order passed in CrI.M.P.No.816 of 2025 dated 01.04.2025 and has come to a conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority is not a similar case and therefore, the detention order suffers from non-application of mind.

4. The learned Additional Public Prosecutor vehemently opposed the ground that was raised by the learned counsel appearing for the petitioner. He submitted that it is a case where the detenu has indulged in a heinous act of committing sexual assault of a child, which was hardly six months. He further submitted that the accident record clearly shows how the child has been subjected to abuse. He submitted that the victim girl's mother has been examined as P.W.1 and has also been cross-examined and the case is now at the stage of examination of P.W.2 to P.W.8. He submitted that the order that was relied upon by the Detaining Authority arose out of a similar case and therefore, there is no ground to interfere with the detention order.



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5. We have carefully considered the submissions made on either side and the materials available on record.

6. The Detaining Authority was aware of the fact that no bail petition has been filed by the detenu. However, the Detaining Authority took into consideration the order passed in CrI.M.P.No.816 of 2025 dated 01.04.2025 and had reached the conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detenu coming out on bail. In the order that was relied upon, the offence was under Section 7 r/w 8 of the POCSO Act. However, in the case in hand, the offence was under Sections 3 and 4 of the POCSO Act. The Court while granting bail took into consideration the fact that the accused therein was an Engineering College student and he had suffered incarceration for a long time. In the case in hand, there was a dispute between the husband and wife and it is alleged that the child has been sexually abused by the detenu. Certainly, the order that has been relied upon by the Detaining Authority does not arise out of a similar case. While dealing with the detention order, this Court cannot go into the merits of the case and this Court must only see if the materials before the Detaining Authority justified the passing of the detention order.



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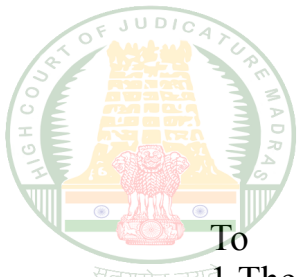
In the case in hand, the Detaining Authority was aware of the fact that no bail petition was filed. But, however, the Detaining Authority has relied upon the bail order which does not arise out of a similar case. Therefore, the detention order certainly suffers from non-application of mind and it warrants the interference of this Court.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.76 / 2025 dated 07.10.2025 passed by the second respondent is set aside. The detenu, viz., Poovalingam, son of Mani, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

8. It is made clear that if the detenu files any bail petition before the concerned Court, the same will be dealt with on its own merits and in accordance with law and the order passed in this Habeas Corpus Petition will not have any bearing on the Court while deciding the bail petition.

(N.A.V.,J..) (K.K.R.K.,J.)
15.04.2026

Index : Yes / No
Internet : Yes / No
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**N. ANAND VENKATESH,J.
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K.K.RAMAKRISHNAN,J.**

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