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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1366 of 2025

Mariammal

.. Petitioner/Mother of the detenu

Vs.

- 1.The State of Tamil Nadu,
Represented by the Additional Chief
Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariat, Chennai - 9.
- 2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Virudhunagar District.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Cr.No.536 of 2025.

.....Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the record relating to the detention order in Cr.M.P.No.22/2025, dated 17.10.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenu namely Salaman @ Thelukkan, S/o.Rasu, aged about 24 years, now detained as "Goonda" at Central Prison, Madurai and set him at liberty forthwith.

For Petitioner : Mr.D.Rajaboopathy

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., Salaman @ Thelukkan, S/o. Rasu, aged about 24 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.22/2025, dated 17.10.2025, 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.



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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. Though several grounds have been raised in the Habeas Corpus Petition, one of the grounds urged by the learned counsel for the petitioner is that the Detaining Authority took into consideration the fact that no bail petition had been filed by the detenu and inspite of the same, the Detaining Authority relied upon the order passed in Crl.M.P. No.1031 of 2025, dated 06.10.2025 and came to the conclusion that, in a similar case, bail had been granted and therefore there was a likelihood of the detenu coming out on bail. The learned counsel submitted that the order relied upon by the Detaining Authority is not a similar case and therefore, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in Crl.M.P. No. 1031 of 2025, dated 06.10.2025. In the case on hand, there was one adverse case against the detenu apart from the ground case. However, in the order relied upon by the Detaining Authority, there were no previous cases against



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the accused therein and the Court had taken into consideration the incarceration suffered by the accused therein. Therefore, certainly the order that was relied upon by the Detaining Authority in CrI.M.P(MD) No. 1031/2025, dated 06.10.2025 is not a similar case. Hence, there is non application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P. No.22/2025, dated 17.10.2025, passed by the second respondent is set aside. The detenu, viz., Salaman @ Thelukkan, S/o. Rasu, aged about 24 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
27.03.2026

Index : Yes / No
Internet : Yes / No

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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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