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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**AND**

**THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1359 of 2025

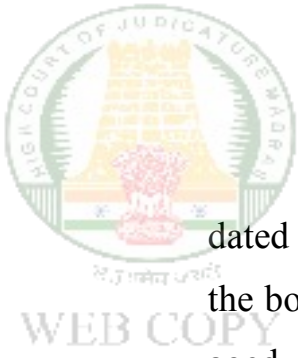
Gomathi

.. Petitioner / wife of the detenu  
Vs.

- 1.State of Tamil Nadu,  
represented by its  
The Additional Chief Secretary to the Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai-600 009.
- 2.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,  
Karur, Karur District.
- 3.The Superintendent of Prison,  
Tiruchirappalli Central Prison,  
Tiruchirappalli.

.....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 passed by the second respondent in Cr.M.P.No.52 of 2025



dated 16.10.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name, Senapathi @ Surya son of Sekar, aged about 28 years, now detained as “Goonda” at Tiruchirappali Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Srikanth

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., Senapathi @ Surya son of Sekar, aged about 28 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.52 of 2025 dated 16.10.2025 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.



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3. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that the bail petition filed by the petitioner was dismissed and in spite of the same, the Detaining Authority took into consideration the order passed in CrI.M.P.No.236 of 2025 dated 07.04.2025 and came to a conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detenu coming out on bail. It was submitted that the order that was relied upon by the Detaining Authority is not a similar case and hence, there is non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 236 of 2025 dated 07.04.2025 that was a case where the accused therein was arrested and remanded to judicial custody for the offences under Sections 296(b), 115(2), 118(1), 329(4) and 351(3) of BNS, 2023. There were no antecedents against the accused therein and the Court also took into consideration the incarceration suffered by the accused person therein. In the case in hand, there was one adverse case against the detenu and in the



ground case the offence under Section 392 of IPC is involved. Hence, the bail order that was relied upon by the Detaining Authority cannot be construed to be a similar case and consequently, the detention order suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.52 of 2025 dated 16.10.2025 passed by the second respondent is set aside. The detenu, viz., Senapathi @ Surya son of Sekar, aged about 28 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.,)  
26.03.2026

Index : Yes / No

Internet : Yes / No

TSG

To

1.The Additional Chief Secretary to the Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai-600 009.

2.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,  
Karur, Karur District.



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3. The Superintendent of Prison,  
Tiruchirappalli Central Prison,  
Tiruchirappalli.
4. 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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