



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1466 of 2025

Chitra

.. Petitioner/ Wife of the Detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The Commissioner of Police,
O/o.The Commissioner of Police,
Tirunelveli City.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records from the 2nd respondent in No.66/BBCDEFGISSSV/2025 dated 15.09.2025 by setting aside the said



order of detention passed by 2nd respondent and setting the detenue Mariappan, S/o.Pitchamuthu, aged about 38 years, at liberty, now detained in the Central Prison, Palayamkottai.

For Petitioner : Mr.Muthuram.R

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., Mariappan, S/o.Pitchamuthu, aged about 38 years. The detenu has been detained by the second respondent by his order in No.66/BBCDEFGISSSV/2025 dated 15.09.2025, 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.



WEB COPY

3. Apart from the other grounds raised by the learned counsel for the petitioner, one of the main grounds that was raised is that the Detaining Authority was aware of the fact that no bail petition was pending and in spite of the same, the Detaining Authority has taken into consideration the order passed in CrI.O.P(MD) No.6658 of 2025, dated 09.04.2025 and has come to a conclusion that there is likelihood of the detenu coming out on bail. The learned counsel for the petitioner submitted that the order that was relied upon is not a similar case and hence, the detention order suffers from non-application of mind.

4. We carefully went through the order passed in CrI.O.P(MD) No. 6658 of 2025, dated 09.04.2025 and it is seen that the bail was granted by this Court on the ground that the investigation has been completed and the charge sheet has been filed. This Court also took into consideration the incarceration suffered by the accused therein. In the case in hand, the investigation was pending and no bail petition had been filed and therefore, the order that was relied upon by the Detaining Authority cannot be considered to be a similar case. Therefore, the detention order suffers from non-application of mind.



WEB COPY

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.66/BBCDEFGISSSV/2025, dated 15.09.2025, passed by the second respondent is set aside. The detenu, viz., Mariappan, S/o. Pitchamuthu, aged about 38 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

6. It is brought to our notice that the charge sheet was filed on time and the case is at the stage of trial. In view of the same, if any bail petition is moved by the detenu before the Special Court, the same shall be considered on its own merits and in accordance with law and the order passed in this petition will not have any bearing on the Trial Judge while dealing with the bail petition.

(N.A.V.,J..) (K.K.R.K.,J.,)
22.04.2026

Index : Yes / No

Internet : Yes / No

Indu



To

WEB COPY

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The Commissioner of Police,
O/o. The Commissioner of Police,
Tirunelveli City.
3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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

Indu

H.C.P.(MD)No.1466 of 2025

22.04.2026