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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1434 of 2025

Baby

.. Petitioner / Mother of the detenu
Vs.

- 1.State of Tamil Nadu,
Represented by its
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The District Magistrate and District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 4.The Superintendent of Prison,
Central Prison, Madurai.



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5. The Inspector of Police,
Paramakudi Town,
Ramanathapuram 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 passed by the second respondent dated in his office Ref.SR.No.47/Goonda/2025 dated 05.11.2025 against the petitioner's son by name, Kumsha @ Gokulnath, S/o.Murugan, aged about 23 years, now confined at Central Prison, Madurai and set aside the same and direct the respondents to produce the above said detenu before this Court and set him at liberty.

For Petitioner : Mr.M.Sathish Kumar

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., Kumsha @ Gokulnath, S/o.Murugan, aged about 23 years. The detenu has been detained by the second respondent by his order in Ref.SR.No.47/Goonda/2025 dated 05.11.2025 holding him to be a "Goonda", as contemplated under Section



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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.

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 by the learned counsel appearing for the petitioner is that the Detaining Authority was aware of the fact that the detenu had not only filed any bail petition in the ground case and in spite of the same, the Detaining Authority took into consideration the order passed by this Court in CrI.O.P.(MD).No. 12072 of 2025 dated 24.07.2025 and came to a conclusion that bail has been granted in a similar case and therefore, there is 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.



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4. We have carefully gone through the order passed in CrI.O.P. (MD).No.12072 of 2025 dated 24.07.2025. That was a case where there were no previous cases against the accused therein and the Court took into consideration the nature of offence and the incarceration suffered by the accused. In the case on hand, there were two adverse cases against the detenu. Therefore, the detenu certainly has a previous case. Hence, the order that was relied upon by the Detaining Authority is not a similar case. 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 Ref.SR.No.47/Goonda/2025 dated 05.11.2025 passed by the second respondent is set aside. The detenu, viz., Kumsha @ Gokulnath, S/o.Murugan, aged about 23 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.,)
08.04.2026

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

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