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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.1428 of 2025

Lakshmanan

.. Petitioner / 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 Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Virudhunagar.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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 in Cr.M.P.No.21 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, Lakshmanan son of Periyandi, aged about 24 years, now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.Dr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the detenu viz., Lakshmanan son of Periyandi, aged about 24 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.21 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 bail petition filed by the detenu was dismissed and in spite of the same, the Detaining Authority took into consideration the order passed in Cr.M.P.No.3418 of 2025 dated 15.10.2025 and came to a conclusion that the 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.

4. We have carefully gone through the order passed in Cr.M.P.No. 3418 of 2025 dated 15.10.2025. That was a case where the accused therein was facing charges for the offences under Sections 137(2), 309(6) and 310(2) of BNS, 2023. There was no previous antecedent against the accused person therein and the learned Additional Public Prosecutor did not raise any objection for the grant of bail. The Court also took into consideration the incarceration suffered by the accused therein. In the case in hand, there is one adverse case against the detenu. Therefore, the detenu certainly had a previous antecedent and whereas in the order that was relied



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upon by the Detaining Authority, there were no previous cases against the accused person therein. Therefore, the said order cannot be considered 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.21 of 2025 dated 16.10.2025 passed by the second respondent is set aside. The detenu, viz., Lakshmanan son of Periyandi, 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.)
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.



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

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

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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