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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1445 of 2025

Kaviyarasu

.. Petitioner / detenu

Vs.

1.State of Tamil Nadu,

Represented by its

The Additional Chief Secretary to the Government,

Home, Prohibition and Excise Department,

Fort St.George,

Chennai-600 009.

2.The District Collector and District Magistrate,

Office of the District Collector and District Magistrate,

Ramanathapuram District.

3.The Superintendent of Prison,

Madurai Central Prison,

Madurai.

.....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 S.R.No.44/Goonda/2025



dated 24.10.2025 and quash the same and direct the respondent to produce the detenu, by name, Kaviyarasu, son of Karnan, aged about 23 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., Kaviyarasu, son of Karnan, aged about 23 years. The detenu has been detained by the second respondent by his order in S.R.No.44/Goonda/2025 dated 24.10.2025 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 that were 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 detenu has not filed any bail petition in the ground case. But, however the Detaining Authority took into consideration the order passed 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 being let out on bail. The learned counsel appearing for the petitioner submitted that the bail order that was relied upon is not a similar case and therefore, there is non-application of mind.

4. We have carefully gone through the order passed on CrI.O.P. (MD).No.12072 of 2025 dated 24.07.2025. That was a case arising out of an offence under Section 103(1) of BNS and this Court had taken into consideration the fact that the investigation had almost been completed and there were no previous cases against the accused therein and also the period of incarceration suffered was taken into consideration. However, in the case in hand, there was one adverse case against the detenu apart from the



ground case and investigation was also pending. Therefore, the order that was relied upon by the Detaining Authority does not arise out of 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 S.R.No.44/Goonda/2025 dated 24.10.2025 passed by the second respondent is set aside. The detenu, viz., Kaviyarasu, son of Karnan, 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.,)
30.03.2026

Index : Yes / No

Internet : Yes / No

TSG

To

The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
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WEB COPY

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