



HCP(MD) No.5 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL**

H.C.P.(MD)No.5 of 2026

Jaquelin Glory

... Petitioner / wife of the detenu

Vs.

1. The State of Tamil Nadu,
Rep By, the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai.

2. The District Collector and District Magistrate,
Kanyakumari District,
At Nagercoil.

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 call for the records of the file of the 2nd respondent pertaining to this order of detention passed in P.D.No.28/2025 dated 08-09-2025 passed by the 2nd respondent and set aside the same and



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consequently direct the respondents to produce the detenu Mr.Jain Melord, son of Yesudasan, aged about 46 years before this Court who is confined in Central Prison, Palayamkottai and set him at liberty.

For Petitioner : Mr.SC.Herold Singh

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., Jain Melord, S/o. Yesudhasan, aged 46 years. The detenu has been detained by the second respondent by his order in P.D.No.28/2025, dated 08.09.2025 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.



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3. Though several grounds have been raised in the Habeas Corpus Petition, the main ground that was urged by the learned counsel appearing for the petitioner is that it was a solitary case against the detenu and according to the detenu, a false case has been foisted against him and the trial is also pending before the concerned Special Court dealing with POCSO offences and the victim girl has already tendered evidence and has been cross examined.

4. The learned Additional Public Prosecutor, on instructions, submitted that considering the gravity of the offence, even if it is a solitary case, a detention order can always be passed and the law on this issue is well settled. The learned Additional Public Prosecutor confirmed the fact that the victim girl has been examined on the side of the prosecution and she has also been cross examined on the side of the detenu.

5. In our considered view, the detenu is facing trial in the ground case and it is a solitary case without any previous antecedents against the detenu. That apart, the victim girl had already been cross examined before the trial



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Court. Hence, the prevailing penal law can sufficiently take care of this situation and it does not require a detention order to be passed against the detenu.

6. We are clarifying that such an observation is made considering the facts of the present case and this cannot be taken as a precedent in cases where detention orders are passed based on a solitary offence.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.28/2025, dated 08.09.2025 passed by the second respondent is set aside. The detenu, viz., Jain Melord, S/o. Yesudhasan, aged 46 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[N.A.V.,J.] [P.D.B.,J.]
04.03.2026

Index : Yes / No
Internet : Yes / No
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To

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2. The District Collector and District Magistrate,
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At Nagercoil.
3. The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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