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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1473 of 2025

M.Perinbam

.. Petitioner / Wife of the
detenu

Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai -600 009.

2.The District Collector and District Magistrate,
Tuticorin,
Tuticorin District.

3.The Superintendent of Prison,
Central Prison,
Palayankottai,
Tirunelveli.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records relating to the detention order of the second respondent made in his proceedings in Detention Order



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H.S.(M).Confdl. No.122 of 2025 dated 11.11.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu, namely, Balamukesh, S/o Theivamuthu, male, aged about 20 years, who is detained in Central Prison, Palayamkottai, Tirunelveli District, before this Court and set him at liberty.

For Petitioner : Mr.KA.Raamakrishnan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, by name, Balamukesh, S/o Theivamuthu, male, aged about 20 years. The detenu has been detained by the second respondent by his order in H.S.(M).Confdl. No.122 of 2025 dated 11.11.2025 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.



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 no bail petition was pending as on the date of passing of the detention order. However, the Detaining Authority relied upon the order passed in Crl.M.P.No.6466 of 2024 dated 20.09.2024 and came to a conclusion that it is a similar case and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was 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 Crl.M.P.No. 6466 of 2024 dated 20.09.2024. That was a case where there was a solitary case against the accused therein and the Court took into consideration the fact that the investigation had been completed and final report has been filed and the Court also took into consideration the period of incarceration suffered by the accused therein. In the case in hand, there were two adverse cases against the detenu and investigation is pending. Therefore, the order that was relied upon by the Detaining Authority cannot be considered to be



a similar case. Hence, 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 H.S.(M).Confdl. No.122 of 2025 dated 11.11.2025, passed by the second respondent is set aside. The detenu, viz., Balamukesh, S/o Theivamuthu, male, aged about 20 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.)
16.04.2026

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.

2.The District Collector and District Magistrate,
Tuticorin, Tuticorin District.

3.The Superintendent of Prison,
Central Prison,
Palayankottai,
Tirunelveli.



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.**

TSG

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