



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.29 of 2026

Latha

.. Petitioner / Wife of the detenu

Vs.

1.The Additional Chief Secretary to Government,
Home, (Prohibition and Excise Department),
Secretariat, St.George Fort,
Chennai – 9.

2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

3.The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli District.

.. 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 passed by the 2nd respondent vide No.75/BBCDEFGISSSV/2025, dated 28.10.2025 issued against the petitioner's husband



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Vanamamalai/detenu aged about 43 years and set aside the same and consequently, direct the respondents to produce the detenu/Vannamalai (43 years), S/o.Perumal Pandian, before this Court, who is detained at Central Prison, Palayamkottai / 3rd respondent and set him at liberty.

For Petitioner : Mr.D.Saravanan

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., Vannamalai, S/o.Perumal Pandian, aged 43 years. The detenu has been detained by the second respondent by his order in No.75/BBCDEFGISSSV/2025, dated 28.10.2025 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. Though several grounds have been raised in the Habeas Corpus Petition, one of the ground that was raised by the learned counsel appearing for the petitioner is that, as on the date of passing of the detention order, the detenue had not moved any bail application. However, the Detaining Authority has relied upon the order passed in CrI.M.P.No.5148 of 2024, dated 28.06.2024 and came to the conclusion that, in a similar case, bail has been granted and therefore, there is likelihood of the detenue coming out on bail.

4. We have carefully gone through the order passed in CrI.M.P. No.5148 of 2024, dated 28.06.2024. That was a case of honey trap and the Court had taken into consideration the change in circumstances and also the fact that the investigation had been substantially completed. In the case on hand, the detenue had two adverse cases and one ground case. One of the adverse case and the ground case pertains to offence under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act and the Tamil Nadu Prohibition of Harassment of Women Act. Therefore, by no stretch, the bail order relied upon by the Detaining Authority can be considered to be a similar case. Therefore, there is complete non-application of mind.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.75/BBCDEFGISSSV/2025, dated 28.10.2025 passed by the second respondent is set aside. The detenu, viz., Vannamalai, S/o.Perumal Pandian, aged 43 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.)
13.03.2026

Index : Yes / No
Internet : Yes / No

Indu

To

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- 2.The Commissioner of Police,
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- 3.The Superintendent,
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Palayamkottai, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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