

HCP(MD) No.51 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.03.2026

CORAM

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

H.C.P.(MD)No.51 of 2026

Kalaivani

... Petitioner / Wife of the detenu
Vs.

1.State of Tamil Nadu,
represented by its
the Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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

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

4.The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(Crime No.407 of 2025)

..... Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records pertaining to the impugned detention order issued by the second respondent in his proceedings in Detention Order No.50/BBCDEFGISSSV/2025 dated 06.10.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda at the Central Prison, Madurai and thereby, to quash the same and direct the respondents to produce the detenu namely, Prasath @ Sethu Prasath, S/o. Andirajan, aged 31 years, who is now detained at the Central Prison, Madurai, before this Court and set him at liberty..

For Petitioner : Mr.K.Vignesh

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., Prasath @ Sethu Prasath, S/o. Andirajan, aged 31 years. The detenu has been detained by the second respondent by his order in Detention Order No.50/BBCDEFGISSSV/2025 dated 06.10.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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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. Among the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised by the learned counsel appearing for the petitioner is that, the Detaining Authority was aware of the fact that no bail petition was filed as on the date of the passing of the detention order and the Detaining Authority had taken into consideration the order passed in CrI.M.P.No.5270 of 2022 dated 28.09.2022 and came to a conclusion that it is a similar case where bail was granted and therefore, there is likelihood of the detenu being granted bail in this case also. It is submitted that the order that was relied upon is not a similar case and therefore, there is clear non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 5270 of 2022. That was a case where the accused therein did not have any antecedents and was in judicial custody for nearly 81 days and it was also reported to the Court that the investigation had been completed.



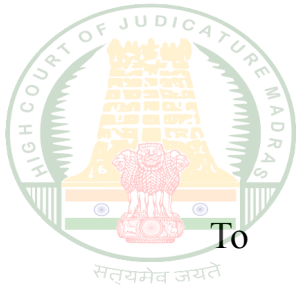
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Considering the same, the bail was granted. However, in the case in hand, there was one adverse case and no bail petition had been filed by the detenu and the investigation was pending. Therefore, the order passed in CrI.M.P.No.5270 of 2022 cannot certainly be taken to be a similar case and it is a clear non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order passed by the second respondent in Detention Order No. 50/BBCDEFGISSSV/2025 dated 06.10.2025 is set aside. The detenu, viz., Prasath @ Sethu Prasath, S/o. Andirajan, aged 31 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.]
11.03.2026

Index : Yes / No
Internet : Yes / No
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1. The Principal Secretary to the Government,
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2. The Commissioner of Police,
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3. The Superintendent of Prison,
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Madurai.
4. The Inspector of Police,
Thirunagar Police Station,
Madurai District.
5. 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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