

HCP(MD)No.431 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.04.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.431 of 2026

Esaikkiammal

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep By, The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 9..

2. The District Collector and District Magistrate,
District Collectorate,
Tirunelveli District..

3. The Superintendent of Prison,
Palayamkottai Central Prison,
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 entire records connection to the impugned detention order passed by the 2nd respondent vide proceeding reference No.M.H.S.Confdl No.156/2025 dated 28.11.2025 and quash the same as illegal and direct the respondents herein to produce the body or



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person of the detenu by name Esakkimuthu @ Bose S/o.Mariappan aged about 26 years old now presently confined at Palayamkottai Central Prison, Tirunelveli District before this court and set him at liberty.

For Petitioner : M/s.Niranjana S.Kumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz.,Esakkimuthu @ Bose S/o.Mariappan aged about 26 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.156/2025 dated 28.11.2025 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.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

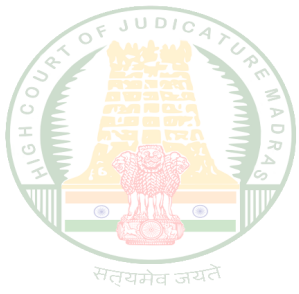
3. Apart from the other grounds that were raised, the main ground that was raised by the learned counsel for the petitioner is that the detaining



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authority was aware of the fact that as on the date when the detention order was passed, no bail application was pending, but, however, the detaining authority has taken into consideration the order passed in Cr.M.P.No.5531 of 2021 dated 13.09.2021 and came to the conclusion that in similar case bail has been granted and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the similar case that is relied upon is not a similar case and therefore, the detention order suffers from non application of mind.

4. We have carefully considered the order passed in Cr.M.P.No.5531 of 2021 dated 13.09.2021 and it is seen that, that was a case where there was no previous case against the accused therein and no serious objection was raised on the side of the prosecution. However, in the case in hand, there are three adverse cases and therefore, there are previous antecedents for the detenu. Hence, the order that was relied upon by the detaining authority is not similar case. Consequently, it suffers from non application of mind. Accordingly, the detention order is liable to be quashed.



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5.. In the result, the Habeas Corpus Petition is allowed and the order

of detention in M.H.S.Confdl No.156/2025 dated 28.11.2025 passed by the second respondent is set aside. The detenu, viz., Esakkimuthu @ Bose S/o.Mariappan aged about 26 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.)
15.04.2026

Index : Yes/No
Internet : Yes/No

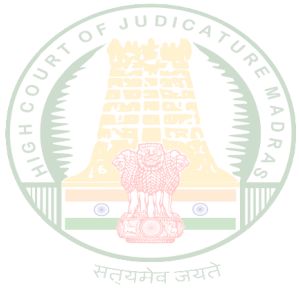
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To
1The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 9..

2. The District Collector and District Magistrate,
District Collectorate,
Tirunelveli District..

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

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.**

RR

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