

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.1485 of 2025

Usharani

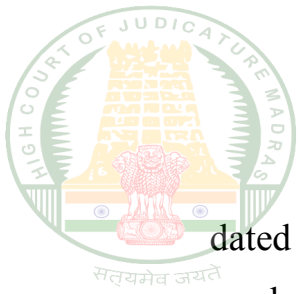
... Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
- 2.The District Collector cum District Magistrate,
Theni District, Theni.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Inspector of Police,
Veerapandi Police Station,
Theni 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 in Detention order D.N.No.69/2025



dated 22.11.2025 and to quash the same and direct the respondents to produce the body or person of the detenu viz., Abish @ Abinesh (aged 23), S/o.Jeyachandran, before this Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.AK.Azagar Sami

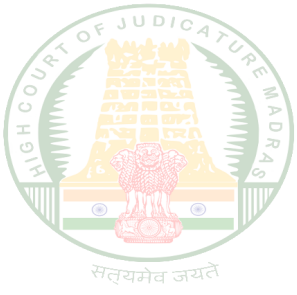
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name, Abish @ Abinesh (aged 23), S/o.Jeyachandran. The detenu has been detained by the second respondent by his order in D.N.No.69/2025 dated 22.11.2025 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.

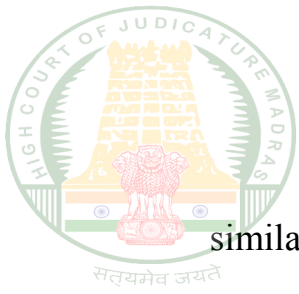
2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main grounds that was raised is that the Detaining Authority was aware of the fact that the bail petition was filed by the petitioner and the same was dismissed and in spite of the same, the Detaining Authority has taken into consideration the order passed in CrI.M.P.No.3770 of 2025 dated 27.10.2025 and has come to a conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detainee coming out on bail. The learned counsel for the petitioner submitted that the order that was relied upon is not a similar case, since there were no previous antecedents for the accused therein. Hence, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 3770 of 2025 dated 27.10.2025. That was a case, where the accused person did not have any bad antecedents and the Court had taken into consideration the fact that no person was hospitalized and the accused therein had suffered incarceration for 10 days. In the case in hand, there were three adverse cases against the detainee apart from the ground case. Hence, the order that was relied upon by the Detaining Authority is certainly not arising out of a



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similar case. Consequently, 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 D.N.No.69/2025 dated 22.11.2025, passed by the second respondent is set aside. The detenu, viz., Abish @ Abinesh (aged 23), S/o.Jeyachandran, 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.)
28.04.2026

Index : Yes / No
Internet : Yes / No

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- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
- 2.The District Collector cum District Magistrate,
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- 3.The Superintendent of Prison,
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- 4.The Inspector of Police,
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Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N.ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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