

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1489 of 2026

Jemimah

... Petitioner/ Daughter of the Detenue

Vs

1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.

2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Madurai District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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 connected with the detention order of the respondent No.2 in B.B.C.D.E.F.G.I.S.S.S.V.No. 66/2025 dated 14.08.2025 and quash the same and direct the respondents to



produce the body or person of the detenu by name Josephinsahayarani, W/o.Isaac, aged about 49 years, now detained as Sexual Offender at Madurai Central Prison before this Court and set her at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the daughter of the detenu, by name, Josephinsahayarani, W/o.Isaac, aged about 49 years. The detenu has been detained by the second respondent by his order in B.B.C.D.E.F.G.I.S.S.V.No.66/2025 dated 14.08.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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 no bail petition has been filed by the detainee and in spite of the same, the order passed in Cr.M.P.No. 348 of 2019 dated 03.08.2019 was considered as a similar case and the Detaining Authority came to the conclusion that there is likelihood of the detainee 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 hence, the detention order suffers from non-application of mind.

4. We carefully went through the order passed in Cr.M.P.No.349 of 2019 dated 03.08.2019. That was a case where the charge sheet was not filed within 90 days and therefore, the Court had granted statutory bail. Hence, the order cannot be considered to be arising out of a similar case and 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 B.B.C.D.E.F.G.I.S.S.V.No.66/2025 dated 14.08.2025,



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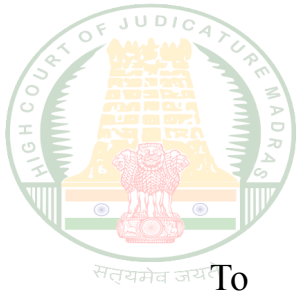
passed by the second respondent is set aside. The detenu, viz., Josephinsahayarani, W/o.Isaac, aged about 49 years, is directed to be released forthwith unless her detention is required in connection with any other case.

6. If any bail application is filed by the detenu, the Special Court shall deal with the same on its own merits and in accordance with law and the order passed in this Habeas Corpus Petition will not have any bar in deciding the bail petition.

(N.A.V.,J..) (K.K.R.K.,J.,)
27.04.2026

Index : Yes / No
Internet : Yes / No

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- To
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O/o. The District Collector and District Magistrate,
Madurai District.
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 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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**N.ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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