



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1294 of 2025

R.Vembu

.. Petitioner / Wife of the detenu

Vs.

- 1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
 - 2.The District Collector and District Magistrate,
Thanjavur District.
 - 3.The Superintendent of Prison,
Central Prison, Tiruchirappalli,
Tiruchirappalli 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 passed in P.D.No.49 of 2025 dated 05-10-2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to



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produce the detenu or body of the detenu namely the petitioner's husband i.e. Rajeshkumar aged about 37 years, S/o.Manivasakam, now detained at the Central Prison, Tiruchirappalli, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Rajeshkumar, S/o. Manivasakam, aged about 37 years. The detenu has been detained by the second respondent by an order of detention passed in P.D.No.49 of 2025, dated 05.10.2025, 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. The learned counsel for the petitioner submitted that the detention order was passed based on a solitary case of murder. It was registered as the ground case in Crime No.182 of 2025. The learned counsel submitted that there were no adverse cases and in spite of the fact that the alleged offence could have been dealt with under the normal criminal law, the respondents proceeded to invoke Act 14 of 1982 and passed a detention order.

4. The learned counsel for the petitioner further submitted that the bail petition filed by the detenu was dismissed and in spite of the same, the Detaining Authority had taken into consideration an order passed in C.M.P.No.1630 of 2022, dated 01.04.2022, to come to the conclusion that there is a likelihood of the detenu coming out on bail, whereas the order that was relied upon was not a similar case and therefore, there is non-application of mind.

5. Per contra, the learned Additional Public Prosecutor submitted that even though it is a solitary case, the manner in which the murder took place in broad daylight certainly warranted the passing of a detention order. The learned Additional Public Prosecutor submitted that even in a solitary case,



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if the facts so warrant, a detention order can be passed, considering the fact that such activity will be prejudicial to the maintenance of public order and public peace. The learned Additional Public Prosecutor further submitted that the detenu was a history-sheeter and there was a previous case against the detenu pending trial, which involves an offence under Section 25(1)(A) of the Arms Act. This was also taken into consideration by the Detaining Authority while passing the detention order.

6. In our considered view, the only case which was taken into consideration by the Detaining Authority was the ground case registered in Crime No.60 of 2022 for offences under Sections 147, 148, 294(b), 307 and 302 of IPC. There is no quarrel that even in a solitary case, a detention order can be passed if that solitary case by itself is of such a nature which will be prejudicial to the maintenance of public order and public peace. However, such a detention order cannot be resorted to in each and every case involving murder.

7. For instance, if a murder case has communal overtones, such an activity may be prejudicial to the maintenance of public order and public



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peace and may warrant the passing of a detention order. Therefore, there must be something more than the offence of murder committed to justify the passing of a detention order.

8. In the case on hand, the detenu has been branded as a history-sheeter. On going through the previous cases, which have not even been mentioned in the detention order, we find that there is one case of the year 2019 involving Section 25(1)(A) of the Arms Act. The ground case had taken place in the year 2025. Therefore, there was absolutely no case against the detenu for the period from 2020 to 2025.

9. Even on the facts of the case, it is seen that there was a money dispute between the parties and this led to the alleged commission of murder. This incident by itself did not warrant the passing of a detention order, since it could have been dealt with under the normal criminal law that is available. A detention order can never be a substitute to handle a situation which can be dealt with under the normal criminal law. Therefore, for every case of murder, the authorities cannot resort to passing detention orders under Act 14 of 1982.



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10. In the light of the above discussion, we are of the view that the facts of the present case did not warrant a detention order, since it could have been easily dealt with under the normal criminal law that is available and certainly it could not have lead to disruption of public order. We were inclined to impose costs in the present case, since we found that a detention order was not warranted. However, the learned Additional Public Prosecutor submitted that he will immediately address this issue to the Government and ensure that detention orders are not passed in a mechanical fashion in all cases involving a solitary incident and that the authorities will be careful while passing such detention orders in future. We make it clear that such instructions shall be given immediately and if this Court finds any other case in future involving a solitary case which could be dealt with under the normal criminal law and where a detention order has been passed, it will be forced to interfere with the same and impose costs. With this caution, we do not want to precipitate the issue any further for the present.

11. Insofar as the second ground is concerned, the likelihood of the detenu coming out on bail was based on an order passed in C.M.P.No.1630 of 2022, dated 01.04.2022. It is admitted that the bail application filed by



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the detenu was dismissed and no bail application was pending as on the date of passing of the detention order. Insofar as the order that was relied upon by the Detaining Authority, it was a case where bail was granted by the concerned Court considering the fact that the entire investigation had been completed and co-accused were granted bail and the Court also took into consideration the period of incarceration. This order certainly is not a similar case and it clearly reflects non-application of mind.

12. In the result, the Habeas Corpus Petition is allowed and the order of detention passed in P.D.No.49 of 2025, dated 05.10.2025, by the second respondent is set aside. The detenu, viz., Rajeshkumar, S/o. Manivasakam, aged about 37 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.)
09.03.2026

Index : Yes
Internet : Yes

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
P.DHANABAL,J.**

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