



WP CrI. No. 1381 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**WP CrI. No. 1381 of 2026
and WPMP CrI.No.471 of 2026**

Thiyagarajan
S/o.Vaidyanathan,
Now confined at
CT 9152, PID No.96103,
Central Prison, Salem-7.

..Petitioner(s)

Vs

1. The State rep.by its
The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore-641018.
2. The Superintendent,
Central Prison, Salem,
Salem-7.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the impugned order bearing No.557/Tha.U2/2026 dated 19.05.2026 passed by the 1st respondent and quash the same and consequently, direct the respondents to grant ordinary leave for 28 days without escort to the detenu, Thiyagarajan, son of Vaidyanathan, aged 39 years, bearing Convict CT 9152, PID No.96103 at Central Prison, Salem.



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For Petitioner(s):
For Respondent(s):

Mr.P.Kannan
Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(CrI.Side)

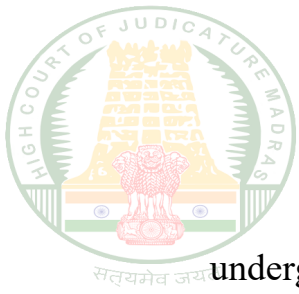
ORDER

(Order of the Court was made by Sunder Mohan J.)

The convict-Thiyagarajan, S/o. Vaidyanathan, aged 39 years, who is confined at Central Prison, Salem, aggrieved by the rejection of his request for Ordinary Leave, has filed the above writ petition.

2. By the impugned order, the petitioner's request for Ordinary Leave was rejected on the ground that there is a possibility of the petitioner absconding and hence, the Probation Officer had not recommended leave.

3. The learned counsel for the petitioner would submit that he has been appointed by the Tamil Nadu State Legal Services Authority to represent the petitioner/convict; that the petitioner is in continuous confinement since 16.07.2021; that he was convicted for the offence of theft in seven cases, out of which in one case, he was sentenced to



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undergo simple imprisonment for eighteen months and in the other six cases, he was sentenced to undergo simple imprisonment for three years in each case; and that the sentences were directed to run consecutively. He would further state that he is taking steps to seek appropriate remedy for a direction to order the sentences to run concurrently.

4. The learned counsel for Government of Tamil Nadu (Criminal Side), appearing for the respondents *per contra* submitted that the petitioner/convict has been convicted in seven cases and there is a specific direction by the trial Court that the sentences shall run consecutively and that since the petitioner is a habitual offender, he is likely to abscond and hence, the Probation Officer's report and consequently, the impugned order cannot be faulted.

5. On the last occasion, we had sought the report of the Probation Officer, as to whether the reasons stated by the petitioner/convict are true.

6. Today, when the matter was taken up for hearing, the learned counsel for Government of Tamil Nadu (Criminal Side) produced the



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report of the Probation Officer in which he had stated that though the reasons stated by the petitioner for leave, i.e., his mother is sick and that their family is living in poverty, are true, the fact that the petitioner/convict had made an attempt to escape from the hospital while in custody earlier disqualifies him from being granted leave.

7. Admittedly, the petitioner is in confinement for the past 4½ years. He has been convicted for seven similar offences and sentenced to three years of simple imprisonment, which were directed to run consecutively. The reasons stated for leave are found to be true by the Probation Officer. The reason for rejecting the request for leave is the fact that the petitioner/convict earlier attempted to escape from the hospital.

8. According to the respondents, the petitioner/convict was arrested in the year 2021. We are of the view that since the reasons stated by the petitioner are true and since the petitioner is in confinement for about five years, he would be entitled to leave with escort to prevent abscondence, which is apprehended by the respondents.



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9. Accordingly, this Writ Petition is allowed and the impugned order is set aside. The convict prisoner is granted Ordinary Leave with minimum escort for a period of 10 days commencing from 13.07.2026 on the following conditions:

(i) The respondents are directed to release the convict viz., Thiagarajan, S/o. Vaidyanathan, aged 39 years, Convict CT 9152, PID No.96103 confined at Central Prison, Salem, on ordinary leave with escort at government cost, for a period of ten (10) days i.e., from 13.07.2026 to 22.07.2026.

(ii) The convict shall be released on 13.07.2026 at 10.00 A.M. and is directed to surrender before the Superintendent of Prisons, Central Prison, Salem, on 23.07.2026 before 10.00 A.M.

(iii) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.

Connected Miscellaneous Petition is closed.

(A.S.M.,J.) (S.M.,J.)
07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ars
Issue order copy by 08.07.2026



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

ars

To

1. The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore-641018.
2. The Superintendent,
Central Prison,
Salem, Salem-7.
3. The Public Prosecutor,
High Court, Madras.

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