



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P. (MD) .No.5153 of 2015

WEB COPY

Periyasamy

... Petitioner

Vs.

1. The Secretary to the Home Department,
St. George Fort,
Chennai.

2. The Superintendent of Prison,
Central Prison,
Madurai,
Madurai District.

3. The Inspector of Police,
Vedasanthur Police Station,
Dindigul District.

... Respondents

PRAYER: This petition is filed under Section 482 of Cr.P.C., to direct the second respondent to release the petitioner's father viz., Ramamoorthy @ Ramasamy convicted prisoner in C.P.No.3721 in Crime No.38 of 1997 on the file of the third respondent in parole for a period of ten days for serious illness suffered by his wife viz., Valliyammai.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.K.Anbarasan
Govt. Advocate(Crl.side)

O R D E R

The petitioner is the son of the convict seeking to release him in parole for a period of 10 days for attending to the serious illness suffered by his wife viz., Valliyammai, the present petition has been filed.

2. The learned Government Advocate (Crl.side) on instructions submitted that there is no difficulty in giving parole to the petitioner's father. However, the petitioner's father will be released subject to the usual conditions that can be imposed including the adequate escort by the police.

3. The learned counsel for the petitioner in his reply submitted that though there is no difficulty in giving parole to the petitioner's father, in the past, he was let on parole without escort. Therefore, even in this occasion, the petitioner should be released without escort, since he is ready and willing to comply with other conditions.

4. This Court is not willing to accept the said contention. The specific instructions taken by the learned Government Advocate (Crl.side) that there is no difficulty in granting parole to the petitioner, however, such a parole cannot be given without adequate escort. Merely because



the petitioner was let in without adequate escort on the earlier occasion, the same cannot be insisted as a matter of right.

5. Accordingly, the respondent No.2 is directed to release the petitioner's father on parole for a period of 10 days i.e., from 30.04.2015 to 09.05.2015 to attend his wife, who is suffering from serious illness, subject to the usual conditions that can be imposed including escort. The petitioner's father is directed to be immediately sent back to Central Prison, Madurai, Madurai District along with police escort and to be lodged therein by 03.00 p.m. on 09.05.2015.

6. Taking note of the plight of the convict, it is made clear that the respondent cannot insist upon the cost for providing escort.

With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to the Home Department,
St. George Fort,
Chennai.
2. The Superintendent of Prison,
Central Prison,
Madurai,
Madurai District.
3. The Inspector of Police,
Vedasanthur Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) .No.5153 of 2015
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