

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE S.BASKARAN

CRL M.P.No.12152 of 2016
in
H.C.P.No.1551 of 2016

S.SRILEKHA ... Petitioner/Petitioner in H.C.P.1551
of 2016 on the file of this Court

Vs

1.STATE OF TAMIL NADU
REP. BY THE SECRETARY,
HOME (PROHIBITION AND EXCISE DEPARTMENT),
SECRETARIAT, CHENNAI - 9

2.THE DISTRICT COLLECTOR AND
DISTRICT MAGISTRATE,
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

... Respondents/Respondents in
H.C.P.1551 of 2016
on the file of this Court

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant 5 days parole to the detenu Vivek Anand, S/o.Ananth, who is detained relating to the Detention Order memo BCDFGISSS No.45/2016 dated 21.07.2016 from 16th November to 20th November on the above H.C.P.No.1551 of 2016 on the file of this Court.

Habeas Corpus Petition filed under Article 226 of the Constitution of India, calling for the records relating to the Detention order memo BCDFGISSS No.45/2016 dated 21.07.2016 passed by the Second Respondent under TamilNadu Act 14 of 1982 and quash the same and direct the Respondent to produce the detenu Vivek Anand, Husband of Srilekha now confined in Central Prison, Vellore before this Court and set the detenu Vivek Anand, Husband of Srilekha at liberty.

ORDER : This petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof on the file of the High Court and upon hearing the arguments of M/s.P.Kumaresan, Advocate for the petitioner and of Mr.V.M.R.Rajentren, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

[Order of the Court was made by S. BASKARAN, J.]

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor, appearing on behalf of the respondents.

2. This petition has been filed by the wife of the detenu, praying that this Court may be pleased to grant five days leave to the detenu, namely, Vivek Anand, who is detained in Central Prison, Vellore, on the ground that the petitioner is going to give a birth to her child by Cesarean and as nobody else to take care of her, at the time of delivery, except the detenu.

3. The learned counsel appearing for the petitioner has submitted that the wife of the detenu is to undergo Caesarean on 18.11.2016 and therefore, the detenu, may be released on leave from 17.11.2016 to 19.11.2016.

4. The learned Additional Public Prosecutor, who had taken notice in this matter, had ascertained that the wife of the detenu is going to deliver a child by Caesarean and he has no serious objection for releasing the detenu on leave.

5. In such circumstances, this Court is of the view that the detenu may be released on leave on the following conditions:-

a. The detenu, namely, Vivek Anand, who is now confined at Central Prison, Vellore, is permitted to go on leave from 9.00 a.m. on 17.11.2016 to 4.00 p.m. on 19.11.2016.

b. The Superintendent of Central Prison, Vellore, is hereby directed to pass the appropriate orders releasing the detenu on leave, as afore stated.

c. The Jail Authorities are directed to release the detenu, namely, Vivek Anand, on production of a copy of this order.

d. It is made clear that the detenu should be brought back to the Central Prison, Vellore, by 4.00 p.m. on 19.11.2016, without fail.

e. The Jail Authorities, during the period of leave, shall provide proper escort to the detenu in order to ensure the safety and security of the detenu. They shall also impose suitable conditions to that effect. The expenses relating to the escort shall be borne by the respondents/Government.

f. The detenu shall abide by the conditions to be imposed by the authorities concerned.

This petition is ordered in the above terms.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. THE SECRETARY,
HOME (PROHIBITION AND EXCISE DEPARTMENT),
SECRETARIAT, CHENNAI - 9.
2. THE JOINT SECRETARY TO GOVERNMENT,
PUBLIC (LAW AND ORDER),
FORT ST. GEORGE,
CHENNAI 600 009.
3. THE DISTRICT COLLECTOR AND
DISTRICT MAGISTRATE,
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.
(With Copies in duplicate for communication
to the Detenu)
5. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2cc's to Mr.P.Kumaresan, Advocate, S.R.No.19309

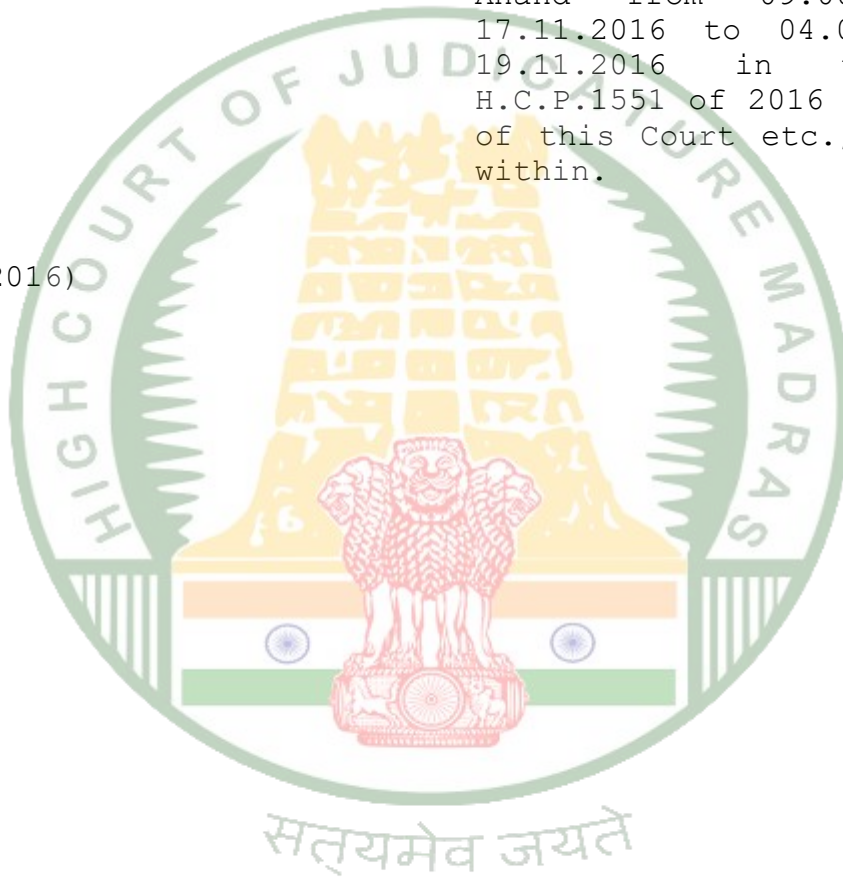
DATED : 15.11.2016

ORDER

CRL M.P.No.12152 of 2016
in
H.C.P.No.1551 of 2016

Allowing the Petition and
granting to the detenu Vivek
Anand from 09.00 A.M on
17.11.2016 to 04.00 P.M. on
19.11.2016 in the above
H.C.P.1551 of 2016 on the file
of this Court etc., as stated
within.

UG (CO)
CA(15/11/2016)



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