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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2016

CORAM:

THE HON'BLE MR.JUSTICE **S.VAIDYANATHAN**

W.P.(MD) No.24 of 2016

Balamurugan

... Petitioner

-vs-

1. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

2. The State Represented by
The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
(Crime No.60 of 2014)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to direct the first respondent to release the petitioner's father on Interim Bail having No.7419 incarcerated in the first respondent to perform final rituals to the deceased father.

For Petitioner : Mr.R.Manoharan

For Respondents : Mr.D.Muruganantham

Additional Government Pleader

O R D E R

The petitioner in this petition is the son of the prisoner, namely, Ramar @ Ramachandran, who has been confined at the Central Prison, Madurai in respect of Crime No.60 of 2014 for offences under Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act, 1985. Since the father of the prisoner has expired on 02.01.2016 at about 8.30 p.m., the son of the prisoner has filed this petition, for grant of interim bail to perform final rituals to the deceased father.

2. According to the petitioner, his grandfather, viz., Thangaraj, aged 102 years, has died on 02.01.2016 due to ill-health. Though the petitioner has sent a representation to the 1st respondent for grant of parole to his father, in view of the urgency involved in this case, he has filed this petition seeking for the relief stated above. The prisoner, being the elder son of the deceased, has to perform his last rites and customs, for which, his presence is very much required.

3. The Additional Government Pleader, on instructions from the respondents, has submitted that on receipt of application for parole, it was verified with the concerned jurisdictional Police and it came



to light that the father of the prisoner has expired on 02.01.2016 and the third day ceremony is going to be held on 05.01.2016. Therefore, the prisoner may be allowed to go on emergency leave for one day with usual conditions.

4. Heard the counsel appearing on either side and perused the materials available on record.

5. It is not in dispute that the petitioner's father has been confined in the Central Prison, Madurai and undergoing incarceration at the Central Prison, Madurai. Considering the totality of the circumstances, this Court is directing the Superintendent of Central Prison, Madurai to release the remand prisoner, namely, Ramar @ Ramachandran, S/o.Late.Thangaraj, on interim bail for one day from Central Prison, Madurai on 05.01.2016 from 08:00 a.m. to 06.00 p.m. after following the usual procedure and other safeguarding measures in accordance with the Prison manual to his house for the final rites and he shall be taken back to the Central Prison, Madurai before 06.00 p.m. on 05.01.2016. The Superintendent of Central Prison, Madurai shall provide escort to the remand prisoner from the Central Prison, Madurai, from the time he leaves the Central Prison, Madurai and till such time he is taken back to the Central Prison, Madurai, on the said date and time as stated above.

6. List this matter on 06.01.2016 for reporting, on the prisoner being taken back to the Central Prison on the said date and time stipulated above.

Sd/-

Assistant Registrar (C.S. -II)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent, Madurai Central Prison, Madurai.
2. The Inspector of Police, Kovilankulam Police Station, Ramanathapuram District.

+1cc to Mr.R.Manoharan, Advocate SR.No.160

akm/04.01.2016/2p-4c/GSV/AN/SAR-I

WP (MD) No.24 of 2016
04.01.2016