

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.6034 of 2017

Nazir Jalaludeen

...Petitioner/
Accused No.5

Vs

1.The State, represented by
The Assistant Commissioner of Police,
Ambattur Range, Chennai.

2.The Superintendent of Prison,
Sub-Jail (Special Cell),
Poonamallee, Chennai-600 056.

...Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondents to grant 2 weeks interim bail to the trial prisoner Nazir Jalaludeen to attend the funeral ceremony of his mother J.Sakeela Begum to be held on 24.03.2017 at 4.00 p.m., to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.Md.Riyaz,
Government Advocate

O R D E R

This Criminal Original Petition has been filed to direct the respondents to grant two weeks interim bail to the trial prisoner Nazir Jalaludeen to attend the funeral ceremony of his mother J.Sakeela Begum to be held on 24.03.2017 at 4.00 p.m.

2.The petitioner is now confined in the Special Sub-Jail, Poonamallee relating to S.C.No.1 of 2016 as a trial prisoner. It is stated in the affidavit filed in support of this petition that the petitioner's mother, expired on 23.03.2017 at 07.50 hours due to illness and her funeral ceremony is to take place on 24.03.2017 at 4.00 p.m. Since the petitioner is the elder son of the deceased, his presence is very much necessary for the last rites to be performed for his mother.

3.The learned counsel for the petitioner submits that two weeks interim bail may be granted to the petitioner for the death ceremony of his mother. He has also produced a copy of the order passed by this Court in a Habeas Corpus Petition in H.C.P.No.372 of 2016 dated 01.03.2016, with regard to the petitioner herein, wherein this Court granted leave for a period of three days to attend the funeral ceremonies of his father.

4.Mr.Md.Riyaz, learned Government Advocate, takes notice for the respondents.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

6.For the reasons stated in the affidavit, this Court finds it appropriate to grant three days leave to the trial prisoner Nazir Jalaludeen to attend the funeral ceremony of his mother J.Sakeela Begum at No.147, Periyar Street, TMP Nagar, Padi, Chennai-600 050. Accordingly the following order is passed:

(a)The trial prisoner, namely, Nazir Jalaludeen, who is now confined in the Special Sub-Jail, Poonamallee, Chennai, is granted leave for a period of three days, ie., from 12.00 noon on 24.03.2017 till 6.00 p.m., on 26.03.2017;

(b)The Superintendent of Prison, Sub-Jail (Special Cell), Poonamallee, Chennai, the second respondent herein is hereby directed to pass appropriate orders releasing the trial prisoner, granting him three days leave for the aforesaid purpose, as stated above;

(c)The jail authorities are directed to release the trial prisoner, namely, Nazir Jalaludeen, on production of this order;

(d)It is made clear that the trial prisoner should be brought back to the Special Sub-Jail, Poonamallee, Chennai, by 6.00 p.m., on 26.03.2017, without fail;

(e)The jail authorities during the period of leave, shall provide proper escort to the trial prisoner in order to ensure the safety and security of the trial prisoner. They shall also impose suitable conditions to that effect; and

(f)The trial prisoner should also abide by the conditions to be imposed by the authorities concerned.

7.The Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar

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KM

Sub Assistant Registrar

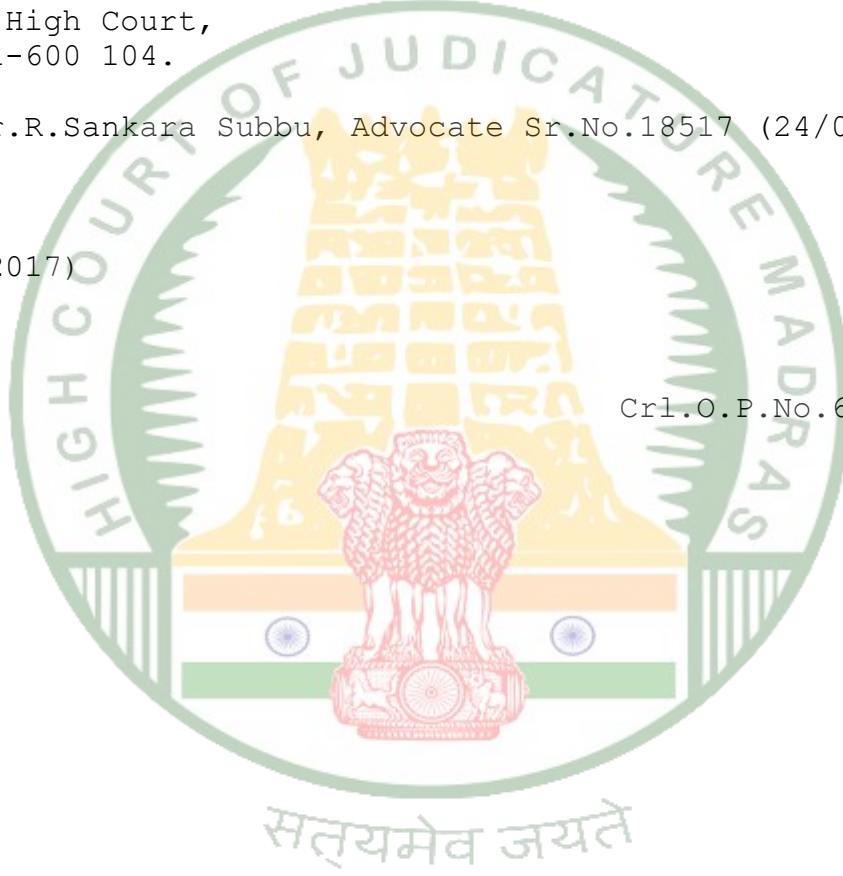
To

1. The Assistant Commissioner of Police,
Ambattur Range, Chennai.
2. The Superintendent of Prison,
Sub-Jail (Special Cell),
Poonamallee, Chennai-600 056.
3. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1cc to Mr.R.Sankara Subbu, Advocate Sr.No.18517 (24/03/2017)

NRJK(CO)
RS(24/03/2017)

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