

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.1334 of 2017

R.Thennarasu

.... Petitioner

vs.

1.The Home Secretary,
Home Department,
Secretariat,
Fort St.George,
Chennai.

2.The Superintendent of Police,
Central Prison,
Vellore

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents to enlarge the detenu M.G.Madhu @ Ravindran, aged 38 years, on parole.

For Petitioner : Mr.M.Jothikumar

For Respondents : Mr.V.M.R.Rajentran, Addl.P.P.

ORDER

(Order of the Court was made by A.SELVAM, J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents to enlarge the detenu, by name, M.G.Madhu @ Ravindran, father of the petitioner, on parole, for the reasons mentioned therein.

2.It is averred in the petition that the father of the detenu has passed away on 30.05.2017. Under the said circumstances, the detenu has been granted emergency leave from 31.05.2017 to 4.6.2017. Further it is averred in the petition that the river rites in respect of the death of the father of the detenu is going to be conducted on 29.07.2017. Under such circumstances, the present petition has been filed for getting the relief sought therein.

3. In the counter filed on the side of the respondents it is averred that on four occasions the detenu has been granted emergency leave and in respect of the death of his father, emergency leave has been granted from 31.5.2017 to 04.06.2017. Under such circumstances, the relief sought in the petition cannot be granted and therefore, the present petition deserves to be dismissed.

4. It is an admitted fact that the father of the detenu has passed away on 30.05.2017. It is also equally an admitted fact that for the purpose of attending funeral ceremony of the father of the detenu, he has been granted emergency leave from 31.05.2017 to 04.06.2017.

5. The main contention put forth on the side of the petitioner is that on 29.07.2017, a requiem in respect of death of the father of the detenu is going to be performed. Under such circumstances, the present petition has been filed.

6. Considering the reasons mentioned in the petition, this Court is inclined to pass the following order:

In fine, this habeas corpus petition is allowed. The second respondent, viz., the Superintendent of Prisons, Central Prison, Vellore, is directed to give parole to the detenu, viz., M.G. Madhu @ Ravindran, son of N. Govindhan, from 28.07.2017 to 30.07.2017 on fulfillment of the conditions as stated infra:

(1) The detenu should execute a bond to the tune of Rs.5000/- (Rupees five thousand only) with two sureties each for a like sum to the satisfaction of the second respondent, viz., the Superintendent of Prisons, Central Prison, Vellore.

(2) The second respondent is directed to give adequate police protection, at the cost of the detenu.

Further it is directed that the detenu should be produced on 31.07.2017, at about 10.00 a.m. in Central Prison, Vellore, without fail.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Home Secretary,
Home Department,
Secretariat,
Fort St.George,
Chennai.

2.The Superintendent of Police,
Central Prison,
Vellore.(In duplicate for communication to detenu)

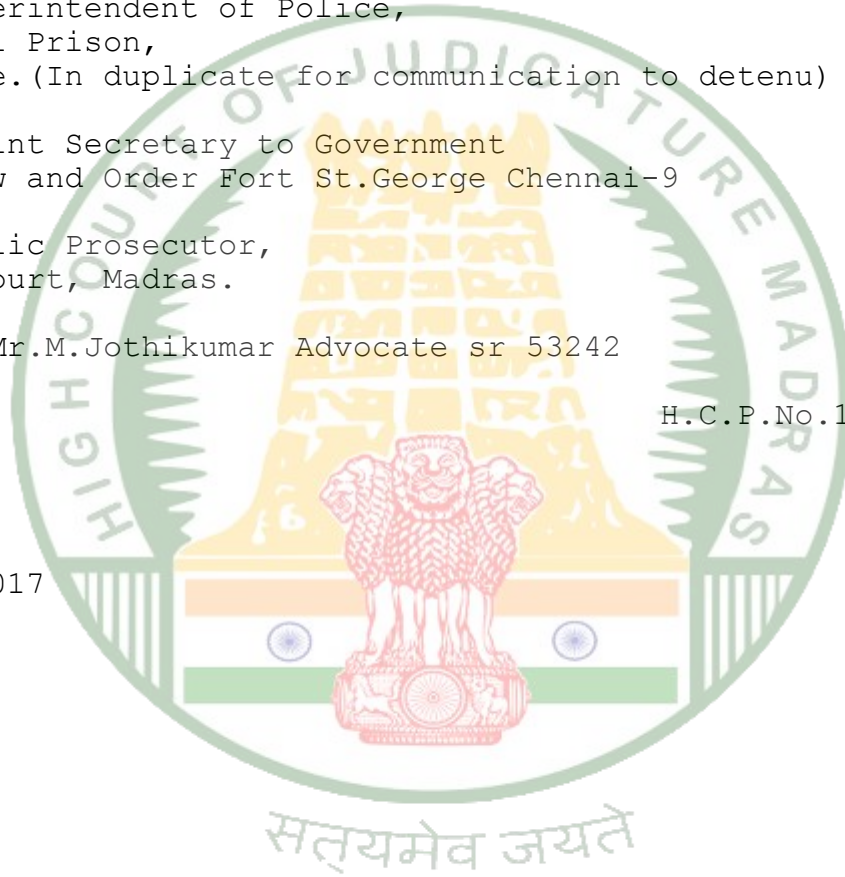
3. The Joint Secretary to Government
Public Law and Order Fort St.George Chennai-9

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Jothikumar Advocate sr 53242

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