

NOOTY.RAMAMOHANA RAO,J

AND

ABDUL QUDDHOSE,J

Order of the Court was made by NOOTY.RAMAMOHANA RAO,J

This petition is moved by the mother of the detenu, who has been preventively detained pursuant to an order passed on 18.11.2016 by the Competent Authority. Ever since he has now been interned at Central Prison, Salem. The present petition is moved seeking for grant of leave in view of the death of the father of the detenu on 29.6.2017. So far, no order has been passed on the request made by the writ petitioner and hence, the present petition is moved.

2. We have heard the learned Additional Public Prosecutor, accepting notice for the respondents.

3. When the detenu's father died, he has to attend and perform the last rites. Therefore, the present petition moved by the mother of the detenu is a genuine one. The detenu is not a smuggler, but described only as a goonda by the Detaining Authority. We, therefore, direct the Superintendent, Central Prison, Salem to release the detenu by name Jothi, S/O Dubaikarar (a) Kaliyamoorthy, who has been detained pursuant to the order passed on 18.11.2016 by the second respondent, initially for a spell of three days and subsequently, at his request, he may be released for a period of three more days, subject to usual conditions such as furnishing a personal bond that he

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will return and get lodged in the Central Prison, Salem immediately on expiry of the leave granted under the Jail Manual, since leave can be granted at a stretch for not more than six days, the leave of six days may be granted in two spells.

4. The above petition is disposed of accordingly.

30.6.2017

RS

CrI.MP.No.8203 of 2017
in HCP.No.2555 of 2016

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