

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.12798 of 2019

Kalailingam @ Kalai

... Petitioner /Accused

Vs.

1. The Deputy Superintendent of police,
National Investigation Agency,
Hyderabad (camp at Puducherry)
(R.C.No.1 /2014/NIA/HYD)

2. The Superintendent of Prison,
Central Prison, Madurai-8.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to issue a direction to the respondents to release the petitioner namely Kalaililngam s/o Raman under trial prisoner, now confined in Central Prison, Madurai on leave with Escort for a period of 10 days in accordance with law.

For Petitioner : Mr.P.Pugalenth

For 1st Respondent : Ms.R.Karthikeyan,
Special Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the respondent to release the petitioner, who is an under trial prisoner with escort in order to be with his father, who is aged about 95 years and who is said to be a cancer patient in a very critical condition.

2. The learned counsel appearing for the petitioner submitted that a representation was made to the respondents on 22.04.2019 in this regard and till date no positive action has been taken and considering the urgency, the present petition has been filed before this court seeking for necessary direction.

3. Mr.R.Karthikeyan, learned Special Public Prosecutor appearing on behalf of the first respondent submitted that the petitioner is involved in a very serious offence and the case is at the stage of trial and granting leave to the petitioner for 10 days will seriously affect the proceedings and there is also a chance that the petitioner will involve in committing offence or will threaten witnesses.

4. The learned Special Public Prosecutor further submitted that the brother of this petitioner is also a co-accused in this case and he approached the trial court seeking for similar relief and the trial court permitted him to visit his house for one day with adequate security. The learned Special Public Prosecutor further submitted that if this court is inclined to grant permission to the petitioner to visit his house, it should be restricted to a very short period and the local police must be directed to give adequate security and stringent conditions must be imposed, in order to ensure that the petitioner does not use this opportunity to commit any other offence.

5. This court has carefully considered the submission made by both sides.

6. Considering the age of the father of the petitioner, who is suffering from cancer and who is in a very critical situation, this court is inclined to grant leave to the petitioner to visit his father and spend time with him for a couple of days. After all the oldman will feel happy to spend his last days with his son.

7. Accordingly, the criminal original petition is disposed of with the following directions.

(a) The 2nd respondent is directed to release the petitioner along with adequate security/escort and permit him to go to his house to visit his father for a period of 4 days.

(b) The petitioner shall not move out of his house during the entire stay and there shall be no visitors, who will meet the petitioner at the time of his stay with his father.

(c) The petitioner shall not have any access to mobile phone and the only purpose of granting leave to the petitioner is to be with his ailing father during his last days.

(d) The local police shall provide sufficient security in and around the house to ensure that the petitioner does not move out of the house or there are no visitors getting into the house to meet the petitioner.

(e) The 2nd respondent shall release the petitioner on 13.05.2019 and the petitioner will come back and surrender before the 2nd respondent on 16.05.2019 by 5.30 p.m.

(f) If the petitioner violates any of the conditions imposed by this court, it is open to the police to immediately take the custody of the petitioner and confine him to the prison.

Sd/-
Assistant Registrar (VO)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Special Judge,
Special Court for NIA Cases, Puducherry.
2. The Additional Public Prosecutor, Chennai.
3. The Deputy Superintendent of police,
National Investigation Agency,
Hyderabad (camp at Puucherry)
(R.C.No.1 /2014/NIA/HYD)
4. The Superintendent of Prison,
Central Prison, Madurai-8.

+1cc to Mr.P.Pugalenth, Advocate, S.R.No.43535
+1cc to R.Karthikeyan, Advocate, Spl. Public Prosectuor,
High Court, Madras. S.R.No.43559

Cr1.O.P.No.12798 of 2019

VG II (CO)

RRS (10/05/2019)