

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.281 of 2020

V.Abirami, Female aged 35 years,
W/o.S.Vinayagam,
No.4, Nagaraja Street,
Peddur, Vaniyampadi,
Vellore District.

... Petitioner

Vs

1.The Principal Secretary to Government,
Home (Prison) Department,
Tamil Nadu Government Secretariat,
St.George Fort,
Chennai - 600 009.

2.The Additional D.G.P. / I.G. of Prisons,
CMDA Towers II,
No.1, Gandhi Erwin Road,
Egmore, Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison,
Vellore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the respondents to grant parole or emergency leave to the detenu S.Vinayagam, male aged about 35 years, S/o.Settu, (C.P.No.484), now confined in Central Prison, Vellore in pursuant to the petitioner's representation dated 18.12.2019 for a period of 30 days without police escort.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.R.Prathap Kumar, Additional
Public Prosecutor.

ORDER

(Order of the court was made by N.KIRUBAKARAN.J.,)

This petition has been filed seeking parole or emergency leave to the detenu viz., S.Vinayagam, petitioner's husband who was convicted for seven years in S.C.No.304 of 2009 on 05.08.2010 and is undergoing imprisonment, to visit his ailing mother and also two minor children who are aged about 8 years and 6 years.

2.Heard Mr.S.Senthilvel, learned Counsel for the petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor for respondents and this Court also perused the materials on record.

3.On perusal of the probation officer's certificate dated 27.02.2020, it is evident that on verification with the petitioner and her mother in law, it is seen that the detenu's mother is aged about 65 years and she is not healthy as she was not properly looked after and her younger son is also living away from family and that apart, the petitioner's two children viz., Rohith and Gopalakrishnan aged about 8 and 6 years are also deprived of their father's companionship for the past one year. The young children need father's companionship.

4.Hence, in view of the health of the detenu's mother and taking into consideration of the young age of the children, this Court is inclined to grant 10 days parole to the detenu viz., S.Vinayagam, male aged about 35 years, S/o.Settu, (C.P.No.484), now confined in Central Prison, Vellore commencing from 03.03.2020 till 12.03.2020 with police escort. The detenu shall be released at

11 a.m. on 03.03.2020 and he shall be brought back to prison on 13.03.2020 at 11 a.m. with police escort.

5.The Jail Authorities, during the said period, shall provide proper escort to the convict, in order to ensure his safety and security. They shall also impose suitable conditions to that effect and the convict should also abide by the conditions to be imposed by the authorities concerned.

6.In the result, this petition is disposed of with the above directions.

(N.K.K.,J.)

(R.H.,J.)

02.03.2020

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Index: Yes/No

Internet: Yes/No

Note: Registry is directed to issue order copy on 02.03.2020.

To

1.The Principal Secretary to Government,
Home (Prison) Department,
Tamil Nadu Government Secretariat,
St.George Fort,
Chennai - 600 009.

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2.The Additional D.G.P. / I.G. of Prisons,
CMDA Towers II,
No.1, Gandhi Erwin Road,
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3.The Superintendent of Prison,
Central Prison,
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N.KIRUBAKARAN, J.
AND
R.HEMALATHA, J.

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