

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-02-2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Habeas Corpus Petition No. 409 of 2020

K. Megala

.. Petitioner

Versus

1. The Commissioner of Police
Greater Chennai
Vepery, Chennai
2. The Additional Director General of Police
Tamil Nadu Prison Department
CMDA Tower-II
Gandhi Irwin Salai
Chennai - 600 008
3. The Superintendent of Police
Central Prison
Puzhal, Chennai

.. Respondents

Habeas Corpus Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant Parole for a period of four days from 22.02.2020 to 25.02.2020 for the petitioner's husband Mr. Kumar @ Thoppulan Kumar, Son of Durai, the detenu herein confined in Central Prison, Puzhal by considering her letter dated 19.02.2020 and being the father of the bridegroom to make necessary prior arrangement and to participate in the marriage of his son which is schedule to take place on 24.02.2020.

For petitioner : Mr. C.M. Gunasekaran

For respondents : Mr. R. Prathap Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by R. Subbiah,J)

The petitioner, who is the wife of the detenu namely Kumar @ Thoppulan Kumar, has come forward with this Habeas Corpus Petition seeking to release her husband-detenu on parole for a period of four days from 22.02.2020 to 25.02.2020 to enable her husband to participate in the marriage of their son K. Ravikumar @ Joshwa with K. Priyanka @ Jamima on 24.02.2020 at B.K.N. Thirumana Mandapam, Riherton Road, Vepery, Chennai.

2. According to the petitioner, she and her husband have fixed the marriage of their son Mr. K. RAVIKUMAR @ Joshwa with Priyanka @ Jamima three months earlier and when the marriage arrangements were in progress, the Inspector of Police, D-2 Anna Salai Police Station foisted a false case in Crime No. 505 of 2019 and 44 of 2020 for the alleged offences punishable under Section 8 (c) read with 20 (b) (ii) (b) of NDPS Act and arrested her husband and remanded him to judicial custody. Seeking release of the husband of the petitioner on bail, the petitioner has also filed CrI.M.P. Nos. 617 and 619 of 2020 before the learned Principal Sessions Judge, Chennai and the hearing in the bail applications stood adjourned to 20.02.2020. While so, an order of Detention dated 18.02.2020 was served on the petitioner on 19.02.2020 intimating the petitioner that her husband is detained under the Detention Law. Immediately, the petitioner sent a representation dated 19.02.2020 to the respondents seeking release of her husband to enable him to attend their son's marriage. Thereafter, the present Habeas Corpus Petition is filed by the petitioner before this Court seeking parole for her husband. Along with the Habeas Corpus Petition, the petitioner has also enclosed the marriage invitation of their son, as per which, the marriage of the son of the petitioner and the detenu is to be solemnised on 24.02.2020.

3. The learned Additional Public Prosecutor, on instructions, confirmed that the marriage of the petitioner's son is to be solemnised on 24.02.2020.

4. We have heard the counsel for both sides and perused the records. Having regard to the fact that the the marriage of the petitioner's son is to be solemnised on 24.02.2020 and as a father, the detenu has to attend such marriage, we are inclined to grant parole to the detenu from 22.02.2020 to 25.02.2020.

5. Accordingly, the Habeas Corpus Petition is allowed and the respondents are directed to release the detenu Kumar @

Thoppulan Kumar, who is detained in the Central Prison, Puzhal pursuant to the order of detention dated 18.02.2020 passed by the first respondent, on 22.02.2020. The detenu shall be given minimum escort by the respondents police during the period of his parole. The detenu shall be confined in Central Prison, Puzhal on expiry of the period of parole at 5.00 pm on 25.04.2020.

Sd/-
Assistant Registrar(CCC)

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To Sub Assistant Registrar

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Vepery, Chennai
2. The Additional Director General of Police
Tamil Nadu Prison Department
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4. The Public Prosecutor,
High Court, Madras.

+2cc to Mr. C.M. Gunasekaran, Advocate sr.14704

HCP No. 409 of 2020

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