

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No.1623 of 2020

Afsath Beevi ... Petitioner

-vs-

The State represented by

1.The Secretary to the Government,
Home Department,
Fort St.George, Chennai - 9.

2.The Deputy Inspector General of Prison,
Kovai Zone (Central Prison),
Kovai.

3.The Superintendent,
Central Prison, Kovai - 18. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents to grant ordinary leave for one month without escort to the detenu, Nawab Khan, S/o.Abdul Rahman, aged about 52 years, Convict No.10663 at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan

For Respondents Mr.R.Prathap Kumar,
Addl. Public
: Prosecutor-R1 & R2
Mr.P.Tamilavel-R3

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the wife of the life convict. The present habeas corpus petition has been filed seeking his release on the premise that steps are required to be taken to facilitate

continuance of studies for their son, who has passed 12th Standard.

2. Though the reason assigned is not disputed as could be seen from the Probation Officer's report, the objection was to the containment zone. Now the pandemic situation is eased somewhat. There is no material to indicate that the convict, if released, would contract Covid 19.

3. Considering the above, we are inclined to direct the respondents to grant leave to the convict for 15 days commencing from 04.11.2020 subject to the usual conditions that can be imposed by the respondents. The convict shall be released from the prison at 10.00 a.m. on 04.11.2020 and he shall return back to the prison at 05.00 p.m. on 20.11.2020. The respondents shall provide necessary escort to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the Central Prison, on the said date and time as ordered by this Court. We make it clear that the day on which the convict is released from the prison and the day on which he is readmitted will have to be excluded.

4. We also make it clear that the convict will have to undergo COVID 19 test before his release and after his return. When he comes back, he may be kept in quarantine as per the medical advice.

5. With the above directions, this Habeas Corpus Petition is disposed of.

Post the matter 'for reporting compliance' on 23.11.2020.

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1. The Sessions Judge,
Bomb Blast Court,
Coimbatore.

2. The Secretary to the Government,
Home Department,
Fort St. George, Chennai - 9.

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3.The Deputy Inspector General of Prison,
Kovai Zone (Central Prison),
Kovai.

4.The Superintendent,
Central Prison, Kovai - 18.

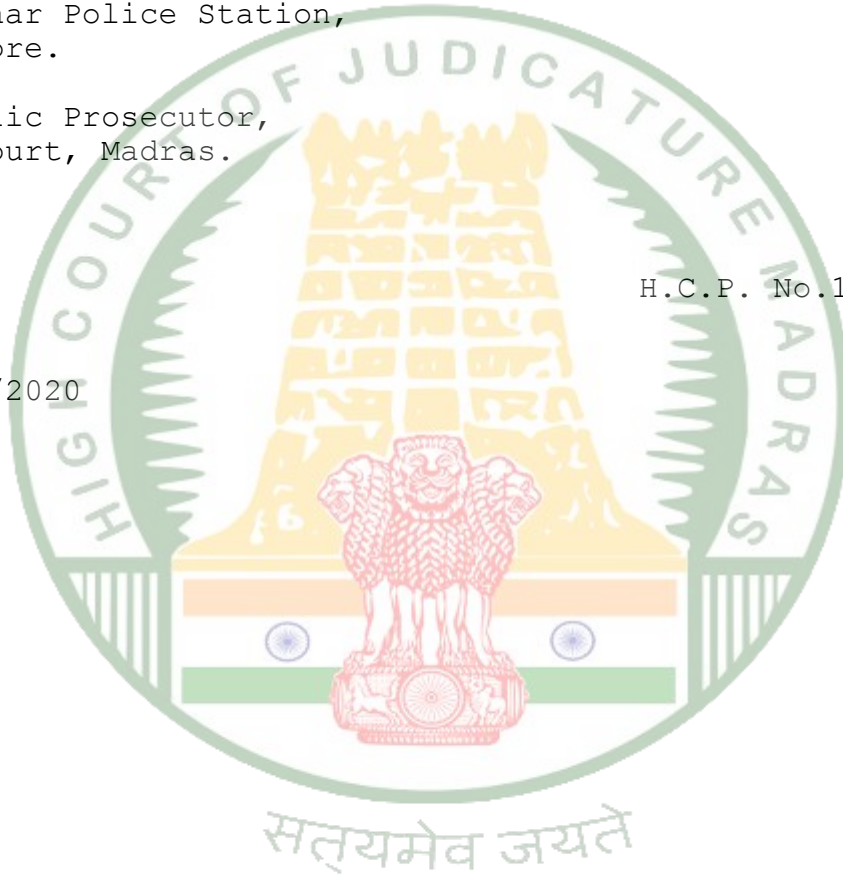
5.The District Collector,
Coimbatore.

6.The Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore.

7.The Public Prosecutor,
High Court, Madras.

H.C.P. No.1623 of 2020

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