

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

Coram

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

H.C.P. No. 1870 of 2020

Geetha

... Petitioner

vs

The State represented by its

1.The Secretary to Government of Tamil Nadu
Home Department,
Fort St.George, Chennai - 09.

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

3.The Superintendent,
Central Prison, Coimbatore.

...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 60 days without escort to the detenu Kamal Poorikamal, S/o.Amarsingh (late), aged about 38 years, Convict No.2806, detained at Central Prison, Coimbatore.

For Petitioner ..

Mr.R.Narayanan

For Respondents ..

Mr.R.Prathap Kumar

Addl. Public Prosecutor

ORDER

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

The petitioner, who is the sister of the convict, seeks his release on the premise that he has to take care of his ailing mother and to make arrangements for completing the construction work of his house.

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2.Learned counsel appearing for the petitioner submits that the mother of the convict is suffering from heart problem and for taking treatment, the presence of the convict is required. He further submits that the convict has to arrange funds for his mother's treatment and to complete the construction work of his house.

3.Learned Additional Public Prosecutor appearing for the respondents submits that though the reason assigned appears to be correct, the Probation Officer has not made recommendation in view of the pandemic situation.

4.We have perused the Probation Officer's report. We are of the view that the convict can be granted leave subject to conduct of Covid test on his return. Further more, the reason assigned is also not in dispute.

5.In such view of the matter, we are inclined to direct the respondents to grant ordinary leave to the convict for thirty days without escort 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 12.11.2020 and he shall return back to the prison at 05.00 p.m. on 11.12.2020. During the aforesaid leave period, the convict shall report before the Madhukkarai Police Station, Coimbatore daily at 5.30 p.m.

6.We also make it clear that the convict will have to undergo COVID 19 test after his return.

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

Post the matter 'for reporting compliance' on 14.12.2020.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Secretary to Government of Tamil Nadu
Home Department,
Fort St.George, Chennai - 09.

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

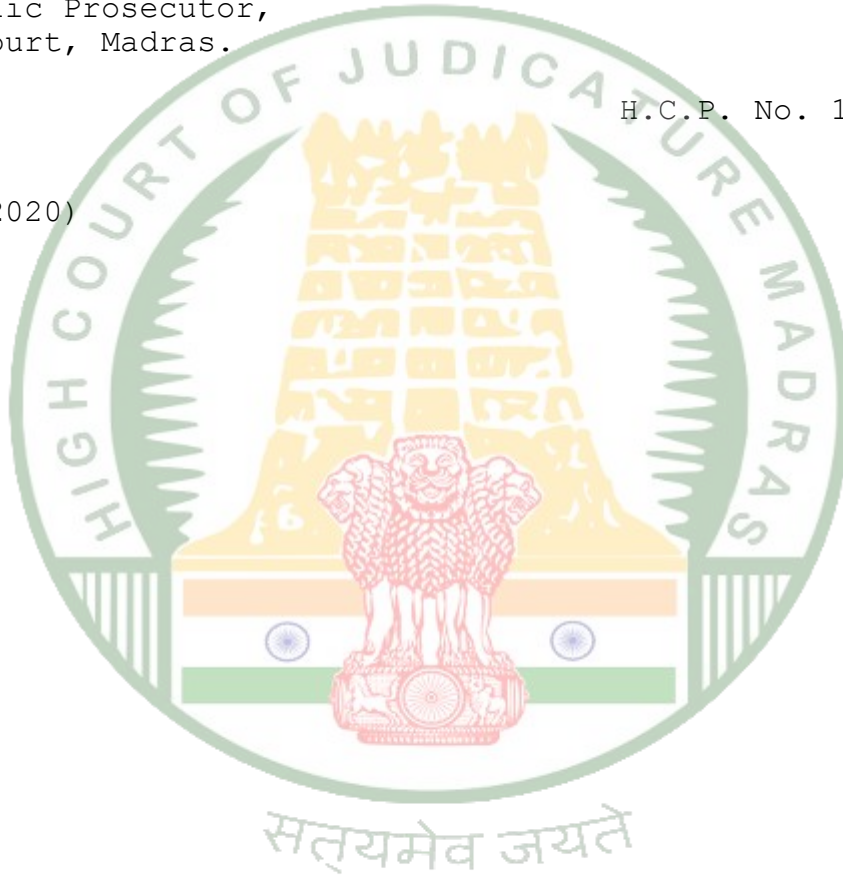
3.The Superintendent,
Central Prison, Coimbatore.

4.The Inspector of Police,
Madhukkarai Police Station,
Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

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CB(11/11/2020)



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