

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

Coram

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

H.C.P. No. 1917 of 2020

Bagadeeshwari

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by Additional Chief Secretary to Government,
Department of Home, Prohibition and Excise,
Fort St.George, Chennai, Tamil Nadu-600 009.

2.The State of Tamil Nadu, rep., by,
Deputy Inspector General of Prisons,
Coimbatore Range, Gandhipuram,
Coimbatore, Tamil Nadu.

3.The State of Tamil Nadu, rep., by,
Additional Superintendent of Prisons,
Office of the Superintendent of Prisons,
Central Prison, Gandhipuram,
Coimbatore, Tamil Nadu.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the 3rd respondent to grant parole to the detainee and convict Mr.Selvam @ Subramaniam, (Prisoner No.20156), leave for a period of 30 days time.

For Petitioner

..

Mr.R.Selvabharathi

For Respondents

..

Mr.R.Prathap Kumar
Addl. Public Prosecutor

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ORDER

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

The petitioner, who is the wife of the convict -Selvam @ Subramniam, seeks his release on leave to take care of her surgery for neuratic disorder.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned counsel appearing for the petitioner made reliance on the medical records to substantiate the factual assertion made.

4.The report of the Probation Officer indicates the same. However, the Probation Officer did not recommend the release of the convict on the perceived threat.

5.We are of the view that the convict will have to be granted 15(fifteen) days time for the aforesaid purpose. It is for the reason, the convict was granted leave on two earlier occasions. Though pursuant to the orders passed by this Court in the year 2019, if there is a likelihood of threat either from the convict or from the family of the persons, whom he murdered, the same could have happened on the last occasion while granting leave on the last occasion. Thus, the apprehension expressed by the Probation Officer cannot be a ground to reject the request made by the petitioner for the release of the convict, particularly, when the reason assigned is found to be correct.

6.Accordingly, the convict is granted fifteen days leave subject to the usual conditions that can be imposed, with minimum escort. The convict shall be released on 05.11.2020 at 10.00 a.m. and return back to prison on 19.11.2020 at 5.00 p.m. 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.

7. The habeas corpus petition stands disposed of accordingly. Post the matter 'for reporting compliance' on 20.11.2020.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Department of Home, Prohibition and Excise,
Fort St.George, Chennai, Tamil Nadu-600 009.
- 2.The Deputy Inspector General of Prisons,
State of Tamil Nadu,
Coimbatore Range, Gandhipuram,
Coimbatore, Tamil Nadu.
- 3.The Additional Superintendent of Prisons,
State of Tamil Nadu,
Office of the Superintendent of Prisons,
Central Prison, Gandhipuram, Coimbatore, Tamil Nadu.
- 4.The Superintendent, Central Prison,
Coimbatore.
- 5.The Public Prosecutor,
High Court, Madras.

Copy to:

The Section Officer,
Criminal Section, High Court,
Madras(for posting the matter on 20/11/20)

H.C.P. No. 1917 of 2020

VD(CO)
CB(05/11/2020)

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