

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30/11/2020

C O R A M

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE Mr. JUSTICE D.KRISHNAKUMAR

Habeas Corpus Petition No.2124 of 2020

Jagath Kumari

...Petitioner/Wife of the detenue

Vs

The State
rep. By

1. The Secretary to Government of Tamil Nadu
Home Department
Fort St. George
Chennai 600 009.
 2. The Deputy Inspector General of Prison
Coimbatore Zone (Central Prison)
Coimbatore.
 3. The Superintendent
Central Prison
Coimbatore 18.
- ...Respondents.

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents to grant ordinary leave for one month without escort to the detenue, Sasikumar, S/o. Nagaraj, aged about 42 years, Convict No.5483 at Central Prison, Coimbatore.

For petitioner ...

Dr.S.Manoharan

For respondents ...

Mr.R.Prathap Kumar

Additional Government Pleader

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O R D E R
(Delivered by M.M.SUNDRESH, J)

Instant Habeas Corpus Petition has been filed to direct the respondents to grant ordinary leave for one month without escort to the detainee, Sasikumar, S/o. Nagaraj, aged about 42 years, Convict No.5483 at Central Prison, Coimbatore.

2. The petitioner, who is the wife of the convict, seeks release of the convict, to take steps for School admission of the second child.

3. We have perused the Probation Officer's report and it is found that there might be a chance for life threat to the convict from the family members of the deceased.

4. As submitted by the learned counsel for the petitioner, detainee has already undergone 17 years 2 months and 29 days imprisonment as on 13/11/2020. On an earlier occasions, he has applied for both emergency leave and ordinary leave.

5. Considering the fact that on two occasions, the convict had applied for emergency leave and Ordinary leave and that too without escort, now, we are inclined to direct the respondents to grant Ordinary leave to the convict for fifteen days with minimum 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 1/12/2020 and he shall return back to the prison at 05.00 p.m., on 17/12/2020.

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

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

8. Post the matter for reporting compliance on 18/12/2020.

-s/d-
Assistant Registrar
True Copy
Sub-Assistant Registrar

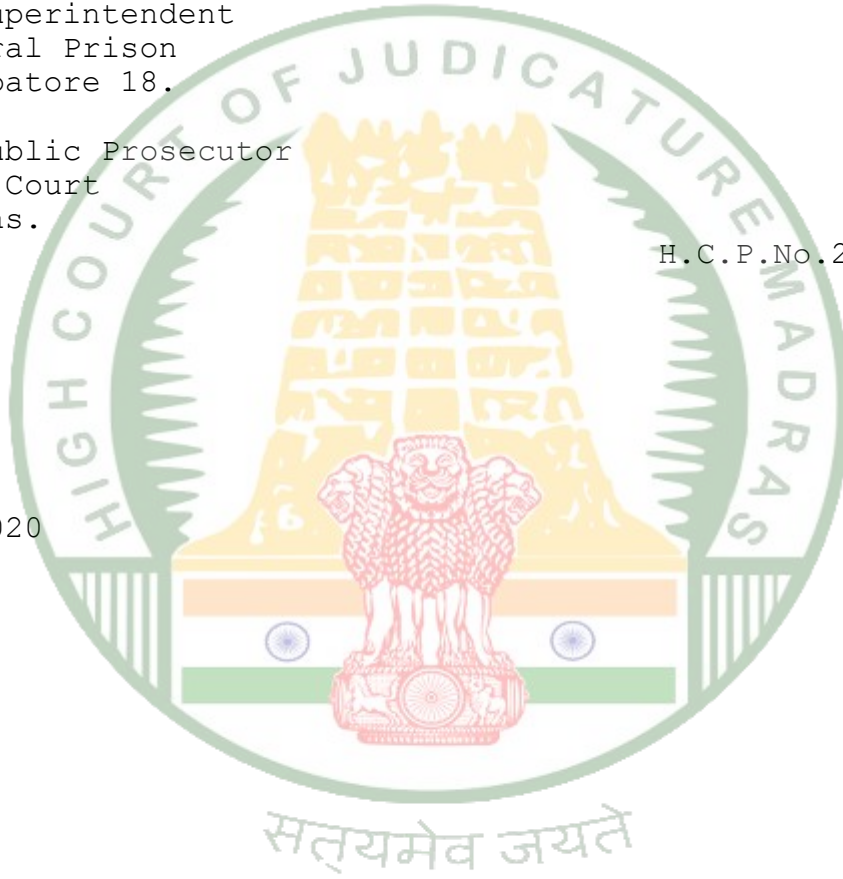
mvs

To

1. The Secretary to Government of Tamil Nadu
Home Department
Fort St. George
Chennai 600 009.
2. The Deputy Inspector General of Prison
Coimbatore Zone (Central Prison)
Coimbatore.
3. The Superintendent
Central Prison
Coimbatore 18.
4. The Public Prosecutor
High Court
Madras.

H.C.P.No.2124 of 2020

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