

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

Coram

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

H.C.P. No. 2095 of 2020

Maheswari ...Petitioner/Wife of detainee

-vs-

The State, represented by its

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai -600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore.

3.The Superintendent of Prison,
Central Prison, Cuddalore. ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant ordinary leave for 30 days without escort from 19.11.2020 to the detainee Anbarasan, S/o Raman, aged about 55 years, Convict No.15133 detained at Central Prison, Cuddalore.

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 is the wife of the convict, who is under incarceration for about 19 years. The reason for Ordinary Leave is to make arrangement for the marriage of his daughter, which is scheduled to be held on 26.11.2020.

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

respondents.

3.We find that on the earlier occasions, the convict has availed the leave without police escort and has complied with the terms and conditions attached to the Prison Rules while granting leave by duly returning back to the prison. The reason assigned for granting leave is also not in dispute.

4. Considering the above, particularly, the fact that the convict has been under incarceration for about 19 years and returned back to prison on all the earlier occasions coupled with the further fact that the reason assigned for granting leave is correct, we are inclined to grant 15 days leave so as to enable the convict to make arrangements for his daughter's marriage scheduled to be held on 26.11.2020.

5.Accordingly, we are inclined to direct the respondents to grant fifteen days (15) leave subject to the usual conditions that can be imposed, without escort. The convict shall be released on 20.11.2020 at 10.00 a.m. and return back to prison on 04.12.2020 at 5.00 p.m.

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

7. The habeas corpus petition stands disposed of accordingly. Post the matter 'for reporting compliance' on 07.12.2020.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

raa

To

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai -600 009.

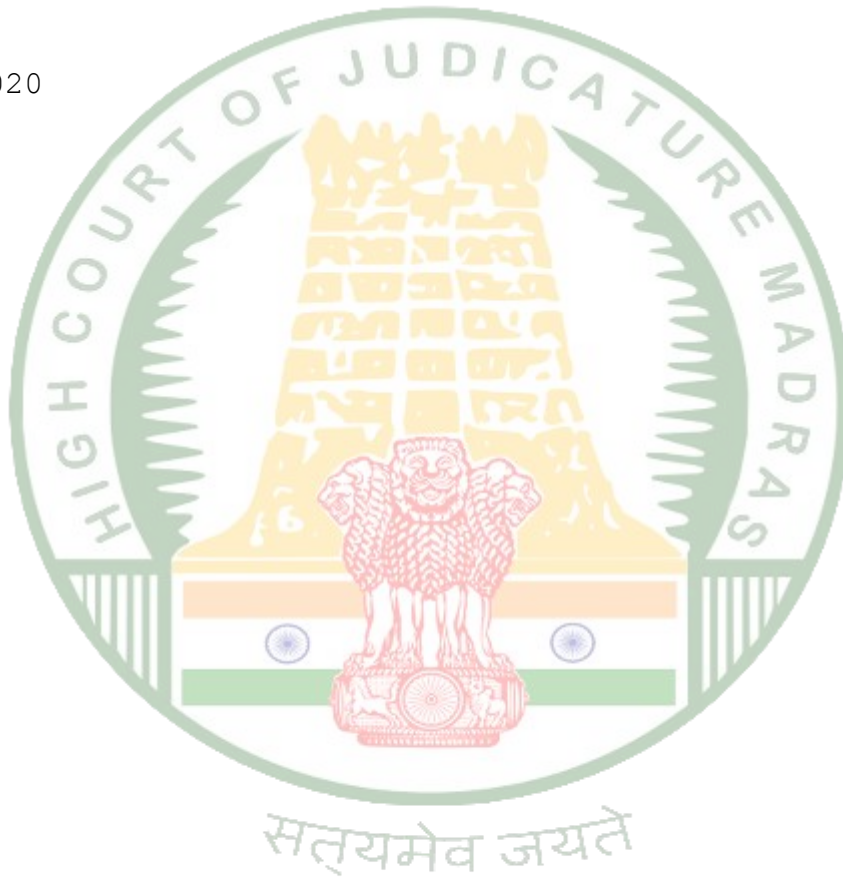
2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore.

3.The Superintendent of Prison,
Central Prison, Cuddalore.

4. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 2095 of 2020

aa19/11/2020



WEB COPY