

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

Coram

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

H.C.P. No. 2146 of 2020

B.Salma Mahajabeen Petitioner

-vs-

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

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

3. The Superintendent of Police,
Central Prison,
Kovai.

... Respondents

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Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to grant leave for 30 days to the detainee, Mohammed Ali S/o. Khaja Mohideen, aged about 49 years,

Convict No.10727, detained at Central Prison, Coimbatore.

For Petitioner : M/s.S.Manoharan

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

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

Seeking a direction to the respondents to grant leave for 30 days to the detenu, Mohammed Ali S/o. Khaja Mohideen, aged about 49 years, Convict No.10727, detained at Central Prison, Coimbatore, the present habeas corpus petition has been filed.

2. The petitioner is the wife of the detenu. The reason assigned for consideration of the leave is to make arrangement to resolve the family dispute and the problem which arose pursuant to the failure of the marriage proposal for his daughter.

3. The Probation Officer though found that the reason given are true has not recommended on the possible of law and order problem.

4. From the records produced we note that on the earlier occasion, the convict was returned without any problem. There is no material to hold that the likelihood of law and order problem has arisen subsequent to that, particularly, the fact that the reason assigned is true.

5. We are inclined to direct the third respondent to grant leave for 15 days leave 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 02.12.2020 and he shall return back to the prison at 5:00 p.m. on 18.12.2020.

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 stands disposed of.

For reporting compliance post on 19.12.2020.

(M.M.S.,J.) (D.K.K.,J.)
30.11.2020

Index : Yes / No
dpq

To

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2. The Deputy Inspector General of Prison,
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Kovai.

3. The Superintendent of Police,
Central Prison,
Kovai.

4. The Public Prosecutor,
High Court, Madras.

HCP No 2146 of 2020

M.M.SUNDRESH, J.
and
D.KRISHNAKUMAR, J.

dpq



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Issue order copy on 01.12.2020

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