

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

Coram

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

H.C.P. No. 2514 of 2020

D.Govindhraj .. Petitioner/Father of the detenue

Vs

- 1.The Home Secretary (Government),
Home Department, (Prison)
Secretariat, Fort St.George, Chennai -09.
- 2.The Additional Director General of Prisons (ADGP),
Office of the ADGP, Gandhi Irwin Road,
CMDA Building, Egmore,
Chennai - 08.
- 3.The Superintendent of Prison,
Central Prison, Vellore, Vellore.
- 4.The Inspector of Police,
Jolarpet Police Station,
Tirupattur District. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the 3rd respondent to grant parole or emergency leave to the detenu Rahul, S/o.Govindaraj, aged about 29 years, now confined in Central Prison, Vellore (Detention Prisoner No.8103) pursuant to the petitioner's representation dated 19.12.2020 for a period of 10 days without police escort to perform the last rites of his mother.

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For Petitioner : Mr.Adithya Varadarajan

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

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

This petition has been filed by the father of the detenu - Rahul, aged about 29 years, who is a remand prisoner, seeking his release to attend the last rites of his deceased mother, who died on 19.12.2020.

2.Heard the learned counsel appearing for the parties.

3.As the death of the mother of the detenu is not in dispute and so also the relationship between them, we are inclined to direct the respondents to grant emergency leave for a period of three days from today subject to the usual conditions that can be imposed by the respondents.

4.Accordingly, we direct the respondents to grant 3 days emergency leave to the detenu with minimum escort subject to the usual conditions that can be imposed by the respondents. The detenu shall be released from the prison at 2.00 p.m. on 21.12.2020 and he shall return back to the prison at 05.00 p.m. on 24.12.2020.

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

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

Post the matter 'for reporting compliance' on 04.01.2021.

Sd/-
Assistant Registrar(CS III)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

mmi/ssm

To

1.The Home Secretary(Government),
Home Department,(Prison)
Secretariat, Fort St.George,Chennai -09.

2.The Additional Director General of Prisons (ADGP),
Office of the ADGP, Gandhi Irwin Road,
CMDA Building, Egmore,
Chennai - 08.

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

4.The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.

5.The Public Prosecutor,
High Court, Madras.

6.The Posting clerk,
Criminal Section,
High Court, Madras

+1cc to Mr.Adithya Varadarajan, Advocate SR.No.42233 (22.12.2020)
H.C.P. No. 2514 of 2020

A.Sk (21.12.2020)



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