



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.11526 of 2020

K.Ravishankar

... Petitioner

Vs.

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

2. The District Collector and District Magistrate,
Sivaganga District, Sivaganga.

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

4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant parole to the detenu namely Vasanth, aged about 24 years, S/o.Kumararaja, who is no detained at the Central Prison, Madurai, vide detention order passed in Cr.M.P.No.30/Goonda/2019 dated 30.10.2019 on the file of the second respondent from 10.09.2020 to 12.09.2020 for a period of three days to conduct the funeral rites of the detenu's deceased mother namely K.Selvarani, W/o.Kumararaja.

For Petitioner

: Mr. P.Krishnaveni

For Respondents

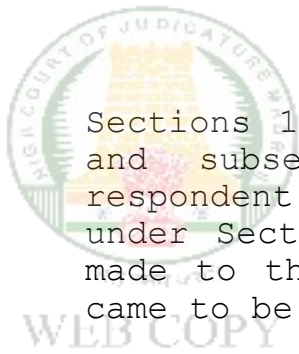
: Mr.V.Neelakandan,

Additional Public Prosecutor.

O R D E R

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

The petitioner is the elder brother of the detenu, namely, Mr.Vasanth, son of Kumararaja, aged about 24 years and he was one of the accused in Crime No.477 of 2019, registered by the fourth respondent for the alleged commission of offences punishable under



Sections 147, 148, 324 and 302 IPC. He was arrested on 09.09.2019 and subsequently, remanded to judicial custody. The second respondent has passed the order of detention, dated 30.10.2019, under Section 2(f) of Tamil Nadu Act 14 of 1982 and the challenge made to the said order of detention in H.C.P(MD).No.122 of 2019, came to be dismissed on 31.08.2020.

2. The learned Counsel appearing for the petitioner would submit that the mother of the detenu was admitted on 23.06.2020, on account of certain illness and she has undergone treatment in the hospital. She was affected by bulky pancreas with no focal mass lesion and TB. On 21.08.2020, she was discharged from the hospital. The petitioner also submitted a representation dated 05.09.2010 to the first respondent for temporary release of the detenu and pending consideration of the same, the mother of the detenu died on 09.09.2020 at 08.00 p.m and her funeral ceremonies are going to be performed today i.e., 10.09.2020. Therefore, the petitioner prays for temporary release of the detenu.

3. The learned Counsel appearing for the petitioner would submit that the detenu may be released for the period of three days, so as to complete the religious formalities required in connection with the demise of his mother and also give assurance that during the period of temporary release, the detenu will abide by any condition imposed by this Court and will not flee from the arms of justice.

4. Mr.V.Neelakandan, learned Additional Public Prosecutor appearing for the State would submit that it is the fact that the mother of the petitioner as well as detenu died on 09.09.2020 and temporary release of the detenu may be ordered with the provision of escort.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.

6. It is relevant to extract Section 15 of the Tamil Nadu Act 14 of 1982.

"15. Temporary release of persons detained.-

(1) The State Government, may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period, either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any detenu under sub-section (1), the State Government may require him to enter into a bond, with or without sureties, for the due observance of the conditions specified in the direction.



(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof."

7. This Court taking into consideration the contents of the affidavit filed in support of this petition and the rival submissions, is inclined to enlarge the detenu by way of temporary release.

8. This Court, taking into consideration the facts and circumstances that the final ceremonies of the mother detenu are going to be performed today (10.09.2020), directs the third respondent to temporarily release the detenu, namely, Mr.Vasanth, son of Kumararaja, Pillaiyar Kovil Street, T.Pudhur, Sivagangai District, **today (10.09.2020) before 06.00 p.m.** and the fourth respondent shall provide sufficient escort for his safety during the period of temporary release and the detenu shall report back to the Central Prison, Madurai, on **13.09.2020 before 04.00 p.m.** It is also made clear that the detenu shall not take advantage of his temporary release and indulge in the activities which are prejudicial to the maintenance of law and order and public order.

9. This Writ Petition stands disposed of, accordingly.

10. Call on **15.09.2020**, for reporting compliance.

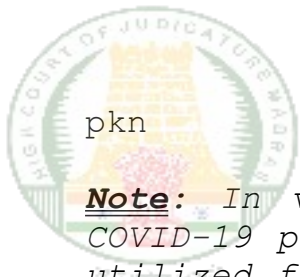
Sd/-

Assistant Registrar (writs)

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Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Sivaganga District, Sivaganga.
3. The Superintendent of Prison,
Central Prison, Madurai.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai, Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section officer
Writ Section
Madurai Bench of Madras high Court,
Madurai

W.P. (MD) No.11526 of 2020
10.09.2020

KB(10.09.2020) 4P 7C