



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Saturday, the Twenty Sixth day of September Two Thousand Twenty

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

CRL MP(MD) No.4835 of 2020
in HCP(MD).197 of 2020

Thalapathi

... PETITIONER/DETENU

Vs

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise (XVI) Department,
Fort st. George,
Chennai 600 009.

2. The District Collector and District Magistrate,
District Collector and District Magistrate's Office,
Thanjavur District.

3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to direct the respondents to temporarily release the detenu by name Thalapathi, Son of Rethinam aged about 29 years, confining at Trichy Central Prison under preventive detention by the order passed by the Respondent No.2 in order in P.D.No.48 of 2019 dated 17.12.2019 for 16 days to attend the funeral ceremonies of the deceased mother from 26.09.2020.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.Alagumani, Advocate for the petitioner and of Mr.R.Ananda Raj, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-



(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

This application has been filed seeking temporary release of the detenu, namely, Thalapathy, aged about 29 years, S/o.Rethinam, confining at Trichy Central Prison under the preventive detention by the order passed by the second respondent in P.D.No.48/2019, dated 17.12.2019 for a period of 16 days.

2.It is the case of the petitioner that his wife and the mother of the detenu, Jayaseeli, who passed away on 25.09.2020 at 09.30 p.m. and the detenu's presence is required for performing last rites. Despite a representation has been made in this regard on 26.09.2020, no response from the respondents and hence, the present petition has been filed.

3.Mr.R.Ananda Raj, learned Additional Public Prosecutor, strongly opposed for the release of the detenu by contending that he has been involved in ten criminal cases and even after the impugned detention order, a case has been registered against the brother of the detenu and therefore, tension is prevailing as on date.

4.Mr.R.Alagumani, learned Counsel for the petitioner while reiterating the averments made in the affidavit filed in support of this petition, seeks 16 days parole to perform the last rites of the deceased.

5.However, considering the facts and circumstances of the case, this Court is inclined to direct the third respondent, namely, the Superintendent of Prison, Trichy Central Prison, Trichy, to release the detenu, namely, Thalapathy, aged about 29 years, S/o.Rethinam, who has been detained by the order of the second respondent, dated 17.12.2019, today (26.09.2020) by 03.00 p.m., with police escorts and he shall surrender before the third respondent by 05.00 p.m., on 27.09.2020. It is made clear that if it is necessary the detenu can be kept in the police station during the night hours on 26.09.2020.

6.Call on 29.09.2020.

sd/-
26/09/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate,
District Collector and District Magistrate's Office,
Thanjavur District.
3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.4835 of 2020
in HCP(MD).197 of 2020
Date :26/09/2020

TR/SAR-II(26.09.2020) 3P 5C