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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Saturday, the Seventeenth day of April Two Thousand and Twenty One
PRESENT

The Hon`ble Mr. Justice K. KALYANASUNDARAM
AND

The Hon`ble Mr. Justice B. PUGALENDHI
CRL MP (MD) No. 3211 and 3212 of 2021

in
HCP (MD) No. 1193 OF 2020

IN BOTH PETITIONS :

1. G. Karunakaran (M/56/2020) (Died)
S/o. Govindasamy, Plot No. 73,
Vasantham Nagar, Keelakurichi,
Keezhkalkandarkottai
Trichy-11. ... **Petitioner/Father of the Detenue**
2. K. Surendar (M/28/2021)
S/o. Karunakaran, Plot No. 73,
Vasantham Nagar, Keelakurichi,
Keezhkalkandarkottai,
Trichy-11. ... **Proposed petitioner**

/ VERSUS /

- 1 The Principal Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Chennai - 600 009. ... **1st Respondent in both Crl.MPs**
2. The Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Chennai - 600 009. ... **1st Respondent in HCP (MD) No. 1193/2020**
3. The Commissioner of Police
Trichy City, Trichy.
4. The Supertindent of Prison,
Central Prison, Trichy. ... **Respondents 2 & 3/Respondents 2&3**

PRAYER IN Crl.MP (MD) No. 3211 of 2021 :

Criminal Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to implead the Proposed Petitioner as impleading petitioner in the above said Habeas Corpus Petition in HCP. (MD) No. 1193/2020, pending on the file of this Hon ble Court.

PRAYER IN Crl.MP (MD) No. 3212 of 2021 :

Criminal Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to grant parole to the Petitioner's brother namely Prakash son of Karunakaran, aged about



26 years, who is now detained in Central Prison, Trichy vide Detention Order in C.No.30/Detention/C.P.O./T.C/2020, dated 03.12.2020 passed by the 2nd Respondent, from 17.04.2021 to 20.04.2021 for a period of 4 days for conduct the funeral rites of the Petitioner's deceased father Karunakaran in HCP(MD)No. 1193 of 2020.

PRAYER IN HCP(MD)No.1193 of 2020 :

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus calling for the records pertaining to the detention order in C.No.30/Detention/C.P.O./T.C./2020, dated 03.12.2020 passed by the 2nd Respondent and set aside the same by setting the detenu by name Prakash, S/o Karunakaran aged about 26 years at his liberty, now detain at Central Prison, Trichy.

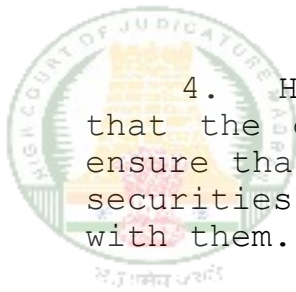
ORDER:- These Criminal Miscellaneous Petitions coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.Sivabalan, Advocate for the Petitioner and of Mr.S.Chandrasekar, Additional Public Prosecutor on behalf of the Respondents, this Court made the following order:

[Order of the Court was delivered by **B.PUGALENDHI, J.**]

One K.Surender, brother of the detenu, has filed Crl.M.P.(MD) No.3211 of 2021 seeking to implead him as a petitioner in the above Habeas Corpus Petition instead of his father and filed Crl.M.P.(MD) No.3212 of 2021 seeking to grant parole to the detenu, namely, Prakash, S/o. Karunakaran, aged about 26 years, who is now detained in Central Prison, Trichy, vide detention order dated 03.12.2020 passed by the second respondent.

2. The averments made in the petitions are that the detenu's father, namely, G.Karunakaran, filed the above Habeas Corpus Petition to quash the detention order in C.No.30/Detention/C.P.O./T.C./2020 dated 03.12.2020 passed by the 2nd respondent, against his son, by name, Prakash, aged about 26 years. Pending the Habeas Corpus Petition, the father of the detenu met with an accident on 16.04.2021 at 5.00 p.m. and died in the road accident. Therefore, the brother of the detenu, namely, K.Surender, has filed Crl.M.P.(MD)No.3211 of 2021 seeking to implead him as a petitioner in the above Habeas Corpus Petition instead of his father, namely, G.Karunakaran and also filed Crl.M.P.(MD)No.3212 of 2021 seeking to grant parole to his brother, namely, detenu, who has been detained as a "Goonda" by the second respondent in C.No.30/Detention/C.P.O./T.C.2020 dated 03.12.2020, for the purpose of attending the funeral ceremony of his father.

3. The factum of death of the detenu's father is admitted by the prosecution.



4. However, the learned Additional Public Prosecutor submits that the detenu must be put on suitable terms and conditions to ensure that he does not escape from the clutches of law and that two securities in civil dress at least must be permitted to be along with them.

5. In view of the fact that the father of the detenu, namely, G.Karunakaran, died in the road accident on 16.04.2021, this Court is of the considered view that as per Section 15 of the Tamil Nadu Act 14 of 1982, temporary leave can be granted to the detenu with conditions.

6. Accordingly, both the petitions are allowed. The detenu is directed to be released on parole for the period, commencing from 17.04.2021 to 20.04.2021, during which time, the detenu shall be given escort by two policemen in civil dress and also subject to condition that the detenu shall be brought back to the Prison on 20.04.2021 at 10.00 a.m.

7. Post on 21.04.2021 for reporting compliance.

Sd/-

Assistant Registrar(T & P)

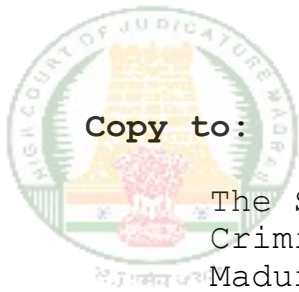
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/ /2021

Sub Assistant Registrar(CS)

TO

1. The Principal Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Chennai - 600 009.
2. The Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Chennai - 600 009.
3. The Commissioner of Police
Trichy City, Trichy.
4. The Superintendent of Prison,
Central Prison, Trichy.
5. The Joint Secretary to Government,
Public (Law and Order), Fort Saint George, Chennai-9.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai



Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

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ORDER DATED : 17/04/2021

HEARING DATE : 21/04/2021

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ORDER

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CRL MP(MD)Nos. 3211 & 3212 of 2021
in HCP(MD)No.1193 of 2020

Allowing the Petitions and
Giving direction etc. as stated
within.

TP (CO)
TR(17.04.2021) 4P 8C