



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.11.2021

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN**

W.P (MD)No.19940 of 2021

S.Ramalakshmi

... Petitioner

.vs.

- 1.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District
in Crime No.432 of 2020.
- 3.The Inspector of Police,
Karimedu Police Station,
Madurai City
in Crime No.1403 of 2020.
- 4.The Inspector of Police,
Keerathurai Police Station,
Madurai City
in Crime No.1075 of 2020.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to permit the petitioner's son by name S.Karthi @ Agorikarthick, Remand Prisoner, son of Late Shanmugam, aged about 25 years, lodged at Central Prison, Madurai to attend his father's funerals and last rites and consequent ceremonies for six days from today 01.11.2021.

For Petitioner :Mr.I.Sabeer Mohamed

For Respondents :Mr.S.Ravi
Additional Public Prosecutor



O R D E R

[Order of the Court was made by **V.BHARATHIDASAN.,J.**]

The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus to direct the first respondent to grant emergency leave to the petitioner's son one S.Karthi @ Agorikarthick, a Remand Prisoner has been confined in judicial custody for an offence punishable under N.D.P.S. Act. Yesterday ie., on 30.10.2021, his father, Shanmugam, died and to perform the final rites of his father, the detenu approached the first respondent and filed an application seeking parole, but not considered, hence, now filed the present writ petition, seeking six days emergency leave.

2. Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State, on instructions submitted that the detenu involved more than 21 criminal cases, in which three cases are 302 I.P.C., and submitted that if he released on bail, he is likely to abscond. That apart, only remedy available to the petitioner is to approach the concerned trial Court, seeking for interim bail and she cannot maintain the writ petition for that purpose.

3. We have considered the rival submissions made on either side and perused the materials available on record.

4. Considering the fact that the father of the detenu died and he only seeking leave to perform the final rites to the father, we direct the first respondent to grant emergency leave to the detenu/Remand Prisoner S.Karthi @ Agorikarthick, Son of Late Shanmugam, aged about 25 years, now confined at Central Prison, Madurai, for a period of three days from 01.11.2021 to 03.11.2021, with escort facilities, at the expenses of the petitioner. The detenu shall surrender before the first respondent on 03.11.2021 at 5.00 p.m. Accordingly, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Superintendent of Prison,
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Madurai District.

2.The Inspector of Police,
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Sivagangai District

3.The Inspector of Police,
Karimedu Police Station,
Madurai City

4.The Inspector of Police,
Keerathurai Police Station,
Madurai City

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P(MD)No.19940 of 2021

01.11.2021

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