



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

Tuesday, the Twenty Ninth day of March Two Thousand and Twenty Two
PRESENT

**The Hon`ble Mr.Justice R.SUBRAMANIAN
and**

**The Hon`ble Mr.Justice N.SATHISH KUMAR
CRL MP(MD) No.4103 of 2022**

**IN
HCP(MD) No.1735 of 2021**

M.RANJITHAM

... PETITIONER/PETITIONER

Vs

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
ST.GEORGE FORT, CHENNAI-600009.
- 2 THE DISTRICT COLLECTOR CUM DISTRICT MAGISTRATE,
DISTRICT COLLECTOR OFFICER, DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT
O/O.THE SUPERINTENDENT OF PRISON,
WOMEN CENTRAL PRISON, MADURAI. ... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an interim bail only for two days i.e., 29/3/2022 to 30/3/2022 for the commemoration of the detenue's son and to for any other as this Honble Court may deem fit proper.

Prayer in Habeas Corpus Petition(MD) No. . 1735/ 2021 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a writ of Habeas Corpus or any other appropriate writ or order or direction in the nature of a Writ of Habeas corpus, calling for the entire records in detention order No.71/2021 dated 24.09.2021 on the file of the R2 herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioners daughter namely Revathi W/o.Senthil female aged 38 yrs(now detained at female central prison, Madurai) before this Hon'ble Court and set him at liberty.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.KARUPPASAMY PANDIYAN, Advocate for M/S.MANIMARAN.NA, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondents, the Court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>



The petitioner seeks interim bail for her daughter, who is undergoing detention under the Tami Nadu Act 14 of 1982. The ground for which her release sought for is that, to enable her to attend the ceremonies relating to the death of her son.

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2. Section 15(1) of the Tamil Nadu Act 14 of 1982, empowers the Government to grant temporary release of detainees for certain reasons with or without conditions.

3. In **Poonal Lata v. M.L.Wadhawan** reported in **1987(3) SCC 347**, the Honourable Supreme Court has held that the power to release the detainee is prerogative of the Executive and the Court cannot give such a relief to the detainee.

4. In view of the said pronouncement of the Honourable Supreme Court, we do not see any reason to entertain this petition filed under Article 226 of the Constitution of India. Hence, this petition is dismissed. Liberty is reserved to the petitioner to approach the Government seeking temporary release of the detenu.

sd/-

29/03/2022

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/ /2022

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

TO

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HOME, PROHIBITION AND EXCISE DEPARTMENT,
ST.GEORGE FORT, CHENNAI-600009.
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- 3 THE SUPERINTENDENT
O/O.THE SUPERINTENDENT OF PRISON,
WOMEN CENTRAL PRISON, MADURAI.

ORDER

IN

CRL MP(MD) No.4103 of 2022

IN

HCP(MD) No.1735 of 2021

Date :29/03/2022

SS/SBN/SAR:I/30.03.2022 : 2P/4C