



WEB COPY



W.M.P.No.28327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.M.P.No.28327 of 2023
in W.P.No.24414 of 2022

V.Chithra

... Petitioner

VS.

1. The State rep. by its
The Additional Chief Secretary to Government,
Home Department-Prison IV, Secretariat, Chennai 600 009.
2. The Director General of Prisons,
No.02, Whannels Road, Egmore, Chennai 600 008.
3. The Commissioner of Police,
Office of the Commissioner of Police, Coimbatore city.
4. The Probation Officer,
Office of the Probation Officer, Coimbatore.
5. The Superintendent of Police,
Coimbatore Central Prison, Gandhipuram,
Coimbatore 641 012.

... Respondents

Prayer : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India directing the fifth respondent to grant leave without escort until disposal of WP.No.24414 of 2022 pending before this Court, to the husband of the petitioner/convict Mr.Viswanathan @ Vijayan s/o. Rajagopal (CT No.2807).



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For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This petition is filed for issue a direction to the fifth respondent to grant leave without escort until disposal of WP.No.24414 of 2022 pending before this Court, to the husband of the petitioner/convict Mr.Viswanathan @ Vijayan s/o. Rajagopal (CT No.2807).

2. Earlier this Court in WP.No.24926 of 2023 granted 40 days leave to the detenu without escort from 07.09.2023 to 16.10.2023. Therefore, the detenu is supposed to surrender himself today. Unfortunately, it is now reported that the detenu is under dialysis and therefore, it may not be possible for him to return to prison by today itself.

3. In the meanwhile, the petitioner has also filed the present miscellaneous petition to release him on interim bail stating that in similar cases in WMP.No.27483 of 2023 in WP.No.10020 of 2021 etc., batch of



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cases, this Court has granted interim bail after recording that the petitioner's request for premature release is pending before the Hon'ble Governor. The present application was not listed earlier along with the said batch of cases.

5. In such circumstances, this Court grants interim bail to the petitioner on the same terms and conditions, while this Court granted bail by order dated 06.10.2023 in WMP.No.27483 of 2023 in WP.No.10020 of 2021 etc., batch of cases.

6. Since the period of ordinary leave availed by the detenu expires today and he is yet to surrender before the jail authorities as he is undergoing dialysis, the petitioner shall surrender before the Principal District Sessions Judge, Coimbatore, within a period of one week from the date of receipt of a copy of this order. Thus, the interim bail is granted on the following conditions:

- i. The prison inmate, namely, Mr.Viswanathan @ Vijayan s/o. Rajagopal (CT No.2807), who was confined at Central Prison, Coimbatore prior to grant of leave, shall be released on interim bail for a period of three months subject to the furnishing bail bond of



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value of Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for a likesum to the satisfaction of the trial Court.

- ii. Prison inmate is directed to report once in a month to the local Police Station (Perur Police Station, Coimbatore). The State authorities shall submit a report with regard to the conduct of the prison inmate before expiry of the period of three months. Prison inmate will not leave the State of Tamil Nadu without informing the local Police Station in writing at least three days in advance and shall keep him posted about his whereabouts.

Accordingly, this miscellaneous petition is ordered.

(S.S.S.R., J.) (S.M., J.)
16.10.2023

pvs

Internet : Yes

Index : Yes / No



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To

1. The Additional Chief Secretary to Government,
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2. The Director General of Prisons,
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3. The Commissioner of Police,
Office of the Commissioner of Police, Coimbatore city.
4. The Probation Officer,
Office of the Probation Officer, Coimbatore.
5. The Superintendent of Police,
Coimbatore Central Prison, Gandhipuram,
Coimbatore 641 012.
6. The Public Prosecutor,
High Court, Madras.
7. The Perur Police Station, Coimbatore



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and
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