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W.M.P.No.29638 of 2023
in W.P.No.12860 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.M.P.No.29638 of 2023
in
W.P.No.12860 of 2020

Sumaiya Banu

... Petitioner
wife of the detenu

Vs.

The State represented by

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai – 600 009.

2. The Additional Director General of Prison
C.M.D.A.Towers
Egmore
Chennai – 600 008

3.The Superintendent of Prison
Central Prison
Puzhal-I, Chennai

... Respondents



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Prayer : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India directing the respondents to release the detenu Hakkim, Son of Mohammed Malungu, Convict No.4660, confined at Central Prison, Puzhal I on interim bail until the disposal of the writ petition.

For Petitioner : Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

In similar cases considering the fact that the Hon'ble Chief Minister has recommended the case of the petitioners therein for premature release based on their request and the same is pending before Hon'ble Governor, this Court has granted interim bail to similarly placed persons subject to conditions.

2. Mr.E.Raj Thilak, learned Additional Public Prosecutor has no serious objection for granting similar relief to this petitioner's husband.



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3. The learned counsel appearing for the petitioner states that the condition imposed in similar cases to furnish two solvent sureties is onerous and that instead of two solvent sureties, the prison inmate may be directed to furnish two sureties of which one will be a blood relative.

4. Considering the submissions made on both sides and the orders passed by this Court in similar cases, this Court is inclined to grant interim bail to the petitioner subject to the following conditions:

- i. The prison inmate, namely, Hakkim, Son of Mohammed Malungu, Convict No.4660, who is now confined at Central Prison, Puzhal-I, shall be released as an interim measure for a period of three months subject to furnishing bail bond of value of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a likesum of which one will be a blood relative to the satisfaction of the trial Court [First Additional Sessions Judge, Coimbatore];
- ii. Prison inmate is directed to report once in a month to the local Police Station (T-6 Karumbukadai Police Station, Coimbatore).

The State authorities shall submit a report with regard to the



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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 them posted about his whereabouts.

5. Accordingly, this Writ Miscellaneous Petition is ordered.

(S.S.S.R., J.) (S.M., J.)
30.10.2023

Internet : Yes

Index : Yes / No

gpa

To

1. The First Additional Sessions Judge,
Coimbatore.

2. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai – 600 009.

3. The Superintendent of Prison
Central Prison I
Puzhal, Chennai

4. The Public Prosecutor,
High Court, Madras.

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