



W.M.P.No.30952 of 2023
in W.P.No.21961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.M.P.No.30952 of 2023

in

W.P.No.21961 of 2023

C.Thamilmani @ Mani @ Periyasamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by the Additional Chief Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police/
Director General of Prisons & Correctional Service,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prisons,
Central Prison,
Salem – 7.

... Respondents



W.M.P.No.30952 of 2023
in W.P.No.21961 of 2023

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to grant interim direction to the respondents to release the petitioner namely C.Thamilmani @ Mani @ Periyasamy, S/o.Chinnasamy, Life Convict Ct.No.6445, aged about 51 years, now confined in Central Prison, Salem, now on emergency leave, on interim bail till the disposal of the writ petition.

For Petitioner : M/s.S.Nadhiya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Aravind C.

ORDER

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

This Writ Miscellaneous Petition has been filed by the writ petitioner seeking interim bail until the disposal of the writ petition.

2.In the above writ petition, the petitioner has prayed for premature release. However, it is stated that the petitioners' request for premature release is pending before the Hon'ble Governor. The learned Additional



W.M.P.No.30952 of 2023
in W.P.No.21961 of 2023

WEB COPY

Public Prosecutor, on instructions, submitted that the earlier case in W.M.P.No.27482 of 2023 in W.P.No.16127 of 2020 as well the present cases, do not fall under the Advisory Board Scheme. It is also stated that, on the basis of the report of Hon'ble Mr.Justice N.Authinathan Committee, orders have been obtained from the Hon'ble Chief Minister of Tamil Nadu and it is now pending before the Hon'ble Governor for approval. Recording the facts relating to the decision of the State Government, the previous Bench of this Court, in several other cases, taking note of the fact that the matter relating to premature release is now pending before the Hon'ble Governor and also taking note of the fact that the petitioners therein are in prison for more than 23 years, has granted interim bail to the petitioners therein subject to conditions. Learned Additional Public Prosecutor has no serious objections for passing similar orders subject to same conditions.

3.In view of the factual matrix, this Court is inclined to grant interim bail to the petitioner, subject to the following conditions :

- i. The prison inmate, namely, C.Thamilmani @ Mani @ Periyasamy, (Life Convict No.6445, aged about 51 years), S/o.Chinnasamy,



WEB COPY



W.M.P.No.30952 of 2023
in W.P.No.21961 of 2023

confined in Central Prison, Salem, now on emergency leave, shall be released as an interim measure for a period of three months subject to his furnishing bail bonds of value of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood relative, each for a likesum to the satisfaction of the I Additional Sessions Judge and Chief Judicial Magistrate, Salem.

- ii. Prison inmate is directed to report weekly twice to the local Police Station (Puduchathiram Police Station, Namakkal). 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 them posted about his whereabouts.

4. Accordingly, this Writ Miscellaneous Petition is ordered.

(S.S.S.R., J.) (S.M., J.)
01.11.2023
(2/2)

mkn

Page 4 of 6



W.M.P.No.30952 of 2023
in W.P.No.21961 of 2023

WEB COPY

Internet : Yes

Index : Yes / No

To

- 1.The I Additional Sessions Judge and Chief Judicial Magistrate,
Salem.
- 2.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home (Prison-IV) Department,
Secretariat, Chennai – 600 009.
- 3.The Director General of Police/
Director General of Prisons & Correctional Service,
Whannels Road, Egmore,
Chennai – 600 008.
- 4.The Superintendent of Prisons,
Central Prison,
Salem – 7.
- 5.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.M.P.No.30952 of 2023
in W.P.No.21961 of 2023

S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

mkn

W.M.P.No.30952 of 2023
in W.P.No.21961 of 2023

01.11.2023
(2/2)