



WEB COPY



WMP.No.32777/2023 in WP.No.33095/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

WMP.No.32777/2023 in WP.No.33095/2023

Mrs.Hairun Nisha

... Petitioner

Vs.

The State represented by

1.The Home Secretary
Prison Department [IV],
St George Fort,
Secretariat, Chennai – 600 009.

2.The Director General of Prison
O/o.The Director General of Prison
Gandhi Irwin Road, CMDA Building
Chennai 600 008.

3.The Deputy Inspector General of Prison
Coimbatore Range, Coimbatore 641 018.

4.The Superintendent of Prison
o/o.The Superintendent of Prison
Central Prison at Coimbatore
Coimbatore 641 018.

... Respondents



WMP.No.32777/2023 in WP.No.33095/2023

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India for issuance of a direction to grant interim bail until disposal of this writ petition to the son of the petitioner / convict Mr.Abu @ Abuthahir son of Sheriff.

For Petitioner	:	Mr.M.Mohamed Saifulla
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor assisted by Mr.C.Aravind

ORDER

[Order of the Court was made by S.S. SUNDAR, J.]

- (1)The Writ Miscellaneous Petition has been filed by the writ petitioner, mother of the detenu Mr.Abu @ Abuthahir, seeking interim bail to the detenu, until the disposal of the writ petition.
- (2)In the above Miscellaneous Petition, the petitioner has prayed for premature release of her son. However, it is stated that the petitioner's request for premature release is pending before the Hon'ble Governor.
- (3)The learned Additional 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 case, do not fall under the Advisory Board Scheme. It is also stated that, on the basis of the report of Hon'ble Mr.Justice



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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. He also submitted that the detenu is unwell. Hence, he has no serious objections for passing similar orders subject to same conditions.

(4) In view of the factual matrix, this Court is inclined to grant interim bail to the detenu, Abu @ Abuthahir, son of Sheriff, subject to the following conditions :

- i. The prison inmate, namely, Abu @ Abuthahir, son of Sheriff, who is now confined at Central Prison, Coimbatore, shall be released as an **interim measure** for a period of three months subject to his execution of a bond for a value of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, each for a likesum, [**one of the sureties**



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should be a blood relative] to the satisfaction of the Trial Court [I Additional District and Sessions Court, Coimbatore].

- ii. Prison inmate is directed to report once in a week to the local Police Station (B14 Kuniyamuthur 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 them posted about his whereabouts.

(5) Accordingly, the Writ Miscellaneous Petition is **ordered**.

[SSSRJ] [SMJ]
23.11.2023

AP
Internet : Yes

NOTE:- Issue order copy on 24.11.2023



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To

- 1.The I Additional District and Sessions Judge
Coimbatore.
- 2.The Home Secretary
Prison Department [IV],
St George Fort,
Secretariat, Chennai – 600 009.
- 3.The Director General of Prison
O/o.The Director General of Prison
Gandhi Irwin Road, CMDA Building
Chennai 600 008.
- 4.The Deputy Inspector General of Prison
Coimbatore Range, Coimbatore 641 018.
- 5.The Superintendent of Prison
o/o.The Superintendent of Prison
Central Prison at Coimbatore
Coimbatore 641 018.
- 6.The Public Prosecutor,
High Court, Madras.

COPY To:-

The Inspector of Police
B-14 Kuniyamuthur Police Station
Coimbatore.



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

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