



WMP(MD) No.17155 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Special Original Jurisdiction )

Friday, the Third day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.SUNDAR  
and  
The Hon`ble Mr.Justice R. SAKTHIVEL

WMP(MD) No.17155 of 2023  
IN  
WP(MD) No.25085 of 2022

SEENATH

... PETITIONER

Vs

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,  
O/O. THE PRINCIPAL SECRETARY TO GOVERNMENT,  
HOME (PRISON IV) DEPARTMENT,  
SECRETARIAT,  
ST. GEORGE FORT,  
CHENNAI.

2 THE ADDITIONAL DIRECTOR GENERAL OF PRISON,  
O/O. THE ADDITIONAL DIRECTOR GENERAL OF PRISON,  
WHANNELS ROAD,  
EGMORE,  
CHENNAI.

3 THE SUPERINTENDENT OF CENTRAL PRISON,  
CENTRAL PRISON,  
PALAYAMKOTTAI,  
TIRUNELVELI.

... RESPONDENTS



**WMP(MD) No.17155 of 2023**

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the Respondent No.2 and 3 to grant Interim parole for a period of 6 months to Petitioners son namely Rahmathullah who is a life convict in a murder case and languishing in Palayankottai Central Prison for the past 24 years by considering the affidavit along with the writ petition on W.P.(MD) No. 25085 of 2022.

Prayer in WP(MD). 25085/ 2022 :

To issue a Writ of Certiorarified Mandamus, to call for the records of Impugned G.O.(D).NO. 108 dated on 29.01.2022 issued by the respondent No.2 and quash the same as bad in law and direct the respondent No.2 to release the petitioners son prematurely on considering the relevant G.Os.

ORDER : This Writ Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.MOHAMED ALI JINNAH, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

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

This order will now dispose of the captioned 'Writ Miscellaneous Petition' ['WMP' for the sake of brevity, convenience and clarity].

2. In the captioned WMP, interim bail [described as interim parole in the prayer] has been sought. The main Writ Petition ie., W.P.[MD]No.25085 of 2022 is *qua* premature release.

3. Short facts [shorn of particulars not imperative for appreciating this order] are that the petitioner's son one Thiru.Sadiq @ Khan @ Rahamathullakhan, son of Jalaludheen is a prison inmate ie., convict prisoner, who was convicted and sentenced to imprisonment for life vide judgment dated 07.10.2003 in S.C.No.140 of 2000 on the file of Session Court, Fast



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Track Court II, Tiruchirappalli; that this conviction and sentence was assailed in this Court by way of Criminal Appeal in CrI.A.(MD)No.1807 of 2003 and the same came to be dismissed; that the same was carried to Hon'ble Supreme Court unsuccessfully; that the learned counsel for Writ Petitioner and the learned Additional Public Prosecutor submit without any dispute that the prison inmate has already served more than 23 years of sentence; that a representation sent seeking premature release of the convict prisoner came to be negatived vide G.O.(D).No.108, Home (Prison-IV) Department, dated 29.01.2021, which has been assailed in the main Writ Petition; that the prison inmate was convicted on 07.09.2006 in another case being S.C.No.8 of 2003 on the file of Sessions Court for Exclusive Trial of Bomb Blast Cases Poonamallee; that the sentence was for seven years; that the directive was for the sentence to run concurrently and therefore, the prison inmate has served the sentence as regards this conviction is concerned.

4. Learned counsel for petitioner and learned Additional Public Prosecutor submit that the case on hand is directly and squarely covered by an order dated 29.09.2023 in W.M.P.No.27482 of 2023 in W.P.No.16127 of 2020, which reads as follows:



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W.M.P.No.27482 of 2023

in

W.P.No.16127 of 2020

M.SUNDAR, J.,  
and  
R.SAKTHIVEL, J.,

[Order of this Court was made by M.SUNDAR, J.]

In the captioned 'Writ Miscellaneous Petition' [hereinafter 'WMP' for the sake of brevity, convenience and clarity] interim bail has been sought and it is to be noted that main writ petition [W.P.No.16127 of 2020] is qua premature release.

2. Factual matrix in a nutshell is that writ petitioner's spouse one Thiru.Harun Basha, son of Thiru.Magbool Sahib, is a prison inmate i.e., a convict prisoner who has been convicted and sentenced to imprisonment for life vide judgement dated 30.12.1999 in S.C.No.110 of 1999 on the file of learned 1 Additional District Judge cum Chief Judicial Magistrate, Coimbatore; that this conviction and sentence was assailed in this Court by way of a criminal appeal and the same came to be dismissed; that the same was challenged before Honble Supreme Court unsuccessfully; that

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according to the petitioner, the prison inmate has already served twenty years of sentence as of 01.02.2018 and therefore is entitled for premature release in the year 2008 itself. that the petitioner filed HCP No.1628 of 2018 seeking premature release of prison inmate in the light of G.O.Ms.No.1155 Home (Pri.IV) Department dated 11.09.2008, that the HCP came to be disposed of vide order dated 07.12.2018 with a direction to consider the petitioner's representation within a period of twelve weeks; that the representation of the petitioner was rejected vide order dated 04.07.2019 bearing reference G.O.(D) No.76 Home (Prison IV) Department (hereinafter 'impugned order' for the sake of convenience and clarity); that captioned main WP has been filed in this Court on 03.11.2020 challenging the impugned order.

3. Main writ petition [W.P.No.16127 of 2020] was listed before this Bench along with 9 other writ petitions [10 writ petitions in all] and WMPs thereat on 05.09.2023 and following proceedings were made:

W.P.No.16127 of 2020, W.P.No.19020 of 2021, W.P.No.24414 of 2022, W.P.No.34215 of 2022, W.P.No.2521 of 2023, W.P.No.9291 of 2023, W.P.No.12402 of 2023, W.P.No.12799 of 2023, W.P.No.20666 of 2023 and W.P.No.21961 of 2023 & W.M.P.No.4401 of 2023

M.SUNDAR, J.,

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WEB COPY *and*  
R.SAKTHIVELU J.

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

This common proceedings will govern the captioned 10 writ petitions and Writ Miscellaneous Petition therein which have been listed as 7 items in the cause list namely Item Nos.26, 27, 28, 30, 31, 32 and 37 today;

2. As regards, four writ petitions listed as Item Nos 28, 31, 32, and 37, namely W.P.No.9291 of 2023, W.P.No.12799 of 2023, W.P.No.20666 of 2023 and W.P.No.21961 of 2023. Ms.Gomathi, learned counsel representing the counsel on record for writ petitioners mentioned the matter at half past ten and sought an adjournment citing difficulty for petitioners' counsel. As other premature release matters turning inter-alia on the same/similar points are in the list, it was made clear that request for adjournment will be considered when the matters are called. Now that the matters have been called, we consider the request and adjourn these four writ petitions i.e., W.P.No.9291 of 2023, W.P.No.12799 of 2023, W.P.No.20666 of 2023 and W.P.No.21961 of 2023.

3. As regards the remaining 6 writ petitions W.P.No.16127 of 2020, W.P.No.10020 of 2021, W.P.No.24414 of 2022, W.P.No.34215 of 2022, W.P.No.2521 of 2023 and W.P.No.12402 of 2023. Dr. S.Manoharan and Mr.Mohamed Saifulla, learned counsel for petitioners are before us.

4. Learned State Public Prosecutor Mr.Hasan Mohamed



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Jinnah, (instructed and assisted by Mr.E.Raj Thilak, learned State Additional Public Prosecutor) is before us on behalf of respondents in all the captioned Writ Petitions.

5. Learned State Public Prosecutor on instructions submits that as regards premature release cases qua Advisory Board, around 167 cases are under consideration of the Government at various stages.

6. Learned State Public Prosecutor further submits on instructions that as regards 49 cases which do not fall under the Advisory Board scheme, after due consideration of Hon'ble Justice Thiru.N.Anbunathan Committee, orders have been obtained from Hon'ble Chief Minister of Tamil Nadu and the matter has been circulated to Hon'ble Governor. Learned State Public Prosecutor also submits that this pertains to cases of life convicts who would have completed fourteen years of imprisonment. It is also submitted by learned State Counsel that convicts pertaining to some of the captioned writ petitions also are part of the 49 cases as well as 167 cases alluded to supra. In this view of the matter learned Prosecutor submits that it would be desirable that the captioned matters stand over by a fortnight.

7. Dr.S.Manoharan, learned counsel pointed out that the premature release prayers are predicated inter-alia on a series of executive fiat i.e., Government Orders starting from G.O.(Ms) No.1155, Home (PRLIV) Department, dated 11.09.2008 pertaining to premature release of life convict prisoners on the occasion of Birth Centenary of Perarinar Anna on 15.09.2008



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itself and made an alternative plea to consider the interim bail petitions and according to Dr.S.Manoharan these interim bail pleas are predicated on multiple orders made by Hon'ble Supreme Court.

8. After carefully considering the submissions made on both sides, we accede to the request of learned State Counsel to enable the State Public Prosecutor to revert to this Court with further instructions. Therefore, aforementioned 6 out of captioned 10 Writ Petitions namely W.P.No.16127 of 2020, W.P.No.10020 of 2021, W.P.No.24414 of 2022, W.P.No.34215 of 2022, W.P.No.2521 of 2023 and W.P.No.12402 of 2023 will stand over by a fortnight i.e., 19.09.2023.

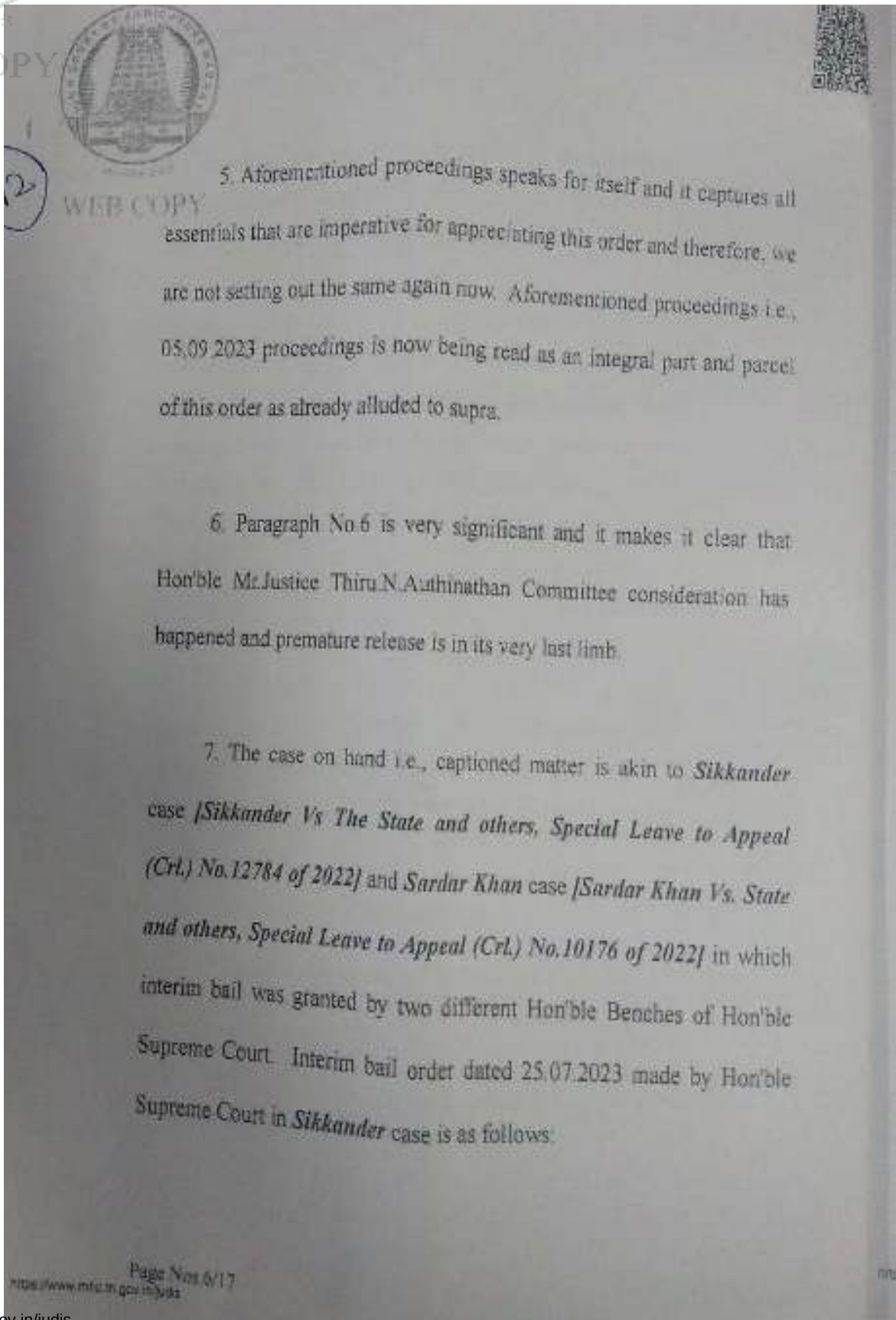
9. Request on behalf of learned counsel for Writ Petitioners as regards remaining 4 out of captioned 10 Writ Petitions namely W.P.No.9291 of 2023, W.P.No.12799 of 2023, W.P.No.20666 of 2023 and W.P.No.21961 of 2023 is also acceded to and the matters stand adjourned to 29.09.2023."

4. This order shall now be read in conjunction with and in continuation of aforementioned earlier proceedings dated 05.09.2023. To put it differently, aforementioned 05.09.2023 proceedings shall now be read as integral part and parcel of this order.



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SECTION 13-B

COURT No. 2

SUPREME COURT OF INDIA  
OFFICE OF REGISTRAR

Petitioner(s) for Special Leave to Appeal (SPL) No(s). 12784/2023

[Arising out of impugned final judgment and order dated 23-12-2022 in WP No. 7794/2020 passed by the High Court of Judicature at Madras]

VERSUS

THE STATE REP. BY SECRETARY  
TO GOVT. OF TAMILNADU & ORS. Respondent(s)

[FOR ADMISSION and I.M.  
[ONLY CONNECTED SPL(DRL) NO.8476/2022 IS LISTED UNDER THIS ITEM] ]

WITH  
SPL(CYL) no. 8476/2022 (IS-C)  
[FOR ADMISSION and I.M. ]

DATE : 23-07-2023 This petition was called on for hearing today.

COBAP :

HON'BLE MR. JUSTICE SANJAY KISHAN KAGL  
HON'BLE MR. JUSTICE NICHOLSON DWALIA

For Petitioner(s) Mr. T. Varish Kumar, ADR  
Mr. Pradeep Ramasubramanian, Adv.  
Mr. Bharathimohan K., Adv.  
Mr. Naveen Kumar, Adv.  
Ms. N. Priya, Adv.  
Mr. Subhas Kulkarni, Adv.

Mr. S. Pradeep Ramasubramanian, Adv.  
Mr. Raghunatha Debnath S., ADR  
Ms. Priya K. Adv.  
Mr. Bharathimohan K., Adv.

For Respondent(s) Mr. V. Krishnaswamy, Sr. Adv., S.A.S.  
Dr. Joseph Aristotle L., ADR  
Ms. Shubhi Sharma, Adv.  
Ms. Vidushi Khatwani, Adv.  
Ms. Kiran Vishwakarma, Adv.

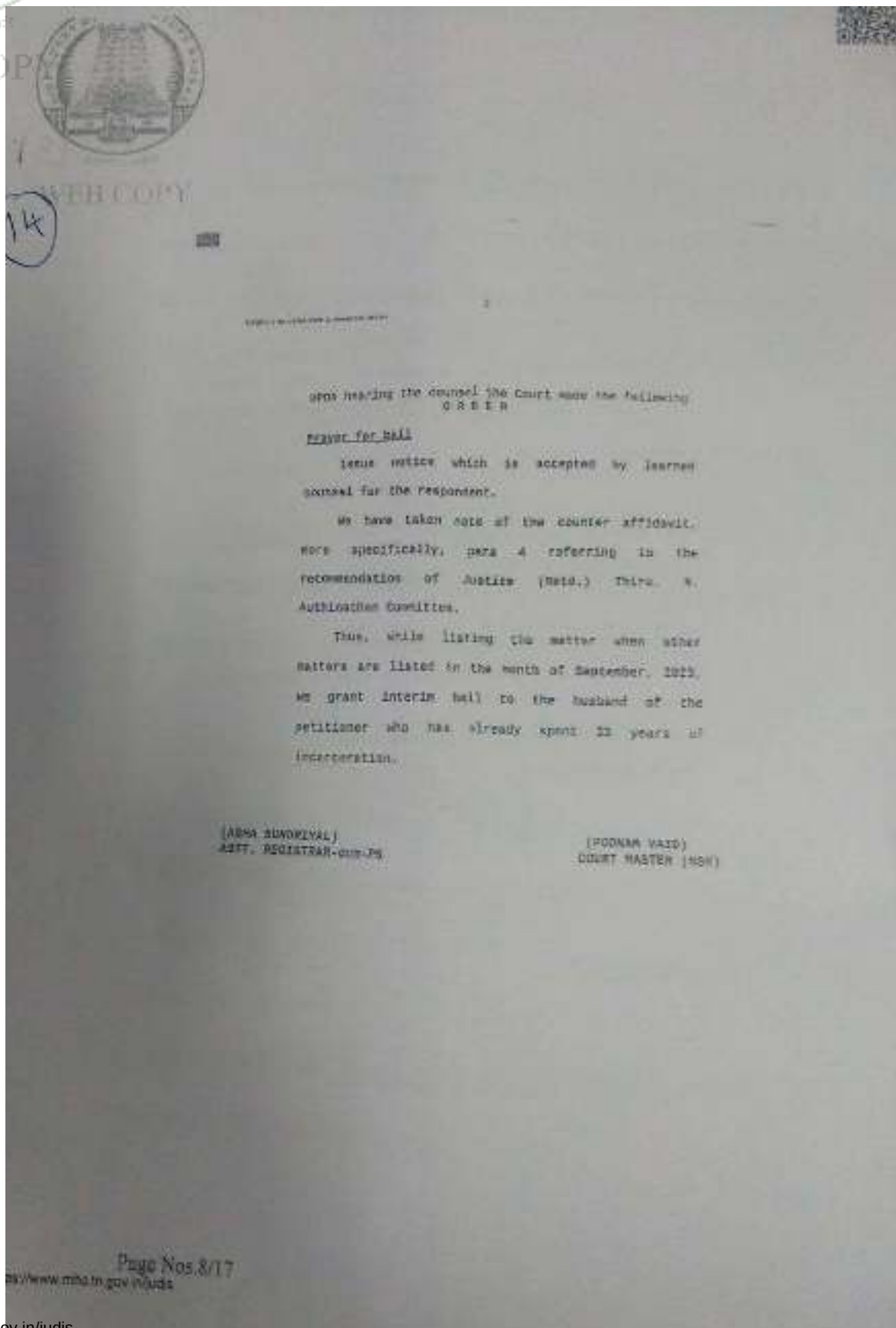
Mr. P. Suresh Kumar, ADR

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8. Interim bail order dated 13.09.2023 made by Hon'ble Supreme Court in *Sardar Khan* case is as follows.

ITEM NO. 34 COURT NO. 3  
SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petitioner(s) For Special Leave to appeal (Srl. No.) 181/6/2022  
[Arising out of Impaired final judgment and order dated 25.03.2022 in WP No.10982/2020 passed by the High Court of Judicature at Madras]

SARDAR KHAN Petitioner(s)

VS  
STATE REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT OF TAMIL NADU & ORS. Respondent(s)

[FOR ADMISSION and I.R. are IA No.142558/2022-CONSTITUTION OF DELAY IN FILING and IA No.142559/2022-EXEMPTION FROM FILING O.T. and IA No.142560/2022-PERMISSION TO FILE PETITION (SPL/IR/EX) IA No.142561/2022 - APPLICATION FOR PERMISSION]

Date : 12-09-2022 This matter was called on for hearing today.

CORAM  
HON'BLE MR. JUSTICE DNYANESHWAR  
HON'BLE MR. JUSTICE DINESH K. DATTA

For Petitioner(s):  
Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. S. Pradeep Kumaraswamy, Adv.  
Mr. Rajanatha Subramanyam B, Adv.  
Mr. Srinivasan M, Adv.  
Mr. Vikash Singh, Adv.  
Ms. Priya H, Adv.  
Mr. S. Sakshi Balasubramanian, Adv.  
Ms. Verrika Vignesh, Adv.  
Mr. P. Vishal Sankaranarayanan, Adv.  
Mr. A. Arun Kumar, Adv.

For Respondent(s):  
Mr. Anil Kumar Tiveri, A.A.G.  
Dr. Joseph Aristotle S., Adv.  
Ms. Divyanshi Gupta, Adv.  
Ms. Vidushi Rastogi, Adv.  
Ms. Shashi Sharma, Adv.

After hearing the parties the COURT made the following  
O R D E R

The use of the petitioner (Arrestee) was convicted by the Additional District and Sessions Judge, P.S-II, Madurai in G.O.

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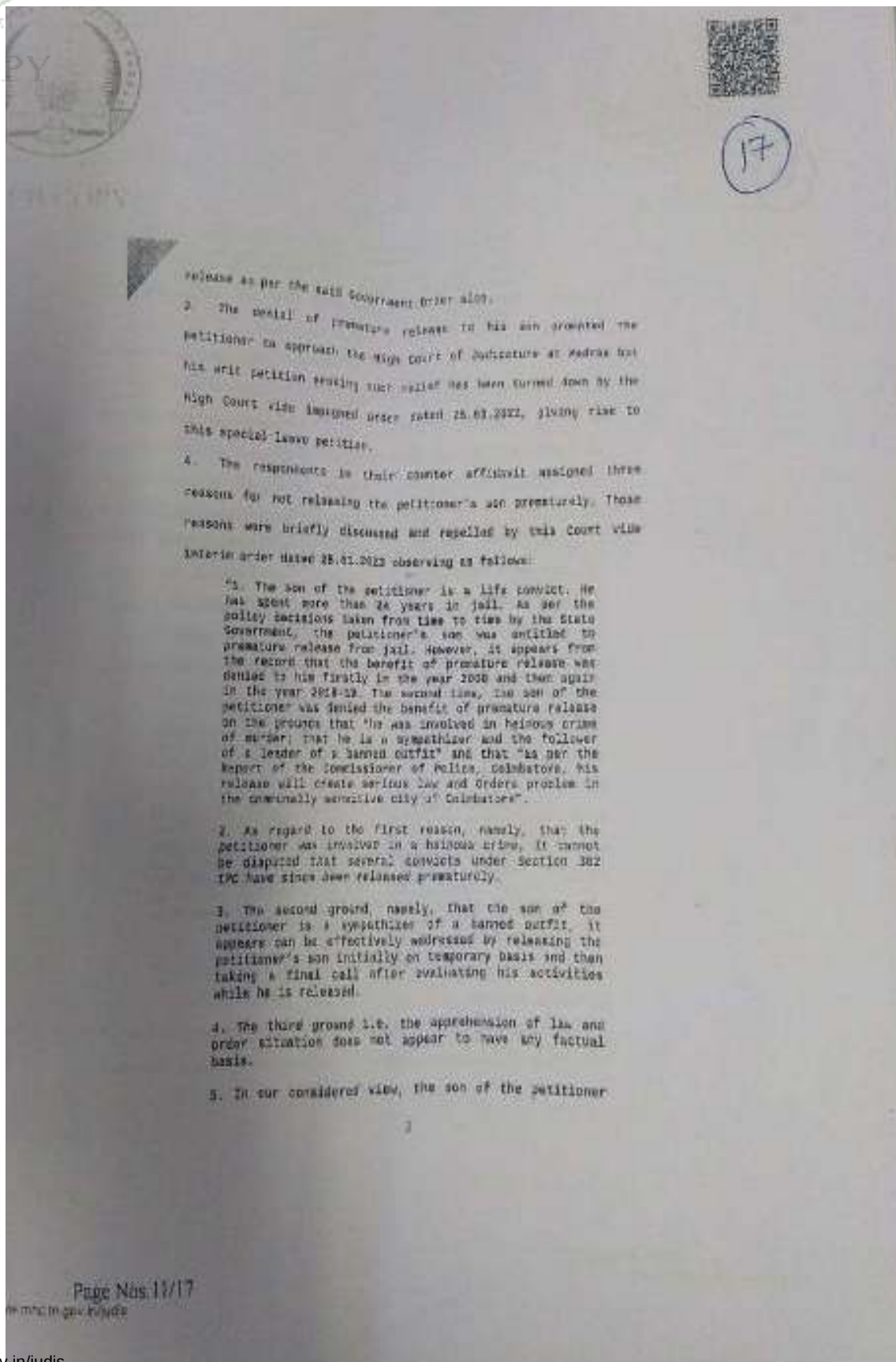
No.458 of 2008 on 02.05.2002 under Sections 120B, 148, 341, 382 read with Section 24 of the Indian Penal Code, 1860 and was sentenced to life imprisonment. His Criminal Appeal No.853 of 2003 was dismissed by the High Court of Judicature at Madras. The petitioner's son (convict no 13117), alongwith his two co-accused was held guilty of committing murder of Tr. Jayaprakash, Assistant Jailor of Central Prison, Madurai. The said Assistant Jailor was murdered only because he searched one of the prisoner Samel Hamven during his admission in Central Prison, Madurai in the year 1997. The crime was committed in the year 1997, which was duly registered in Madurai CR-CIT Police Station as Crime No.1861 of 1997. As per the custody certificate dated 14.09.2022, issued by the office of Central Prison, Coimbatore, the petitioner's son had undergone 24 years and 21 days imprisonment as on 19.08.2022 and no other criminal case was pending against him.

2. The State of Tamil Nadu, as a one time measure, issued Government Order No.1155 on 12.09.2008, whereunder it was decided that all the life convicts, who had completed seven years of actual imprisonment as on 15.09.2008 were to be released prematurely subject to certain conditions mentioned therein. It appears that the petitioner's son was not released under that Government Order on the ground that the prisoner would not be safe. Thereafter, Government Order No.64 dated 01.02.2013 was issued but the benefit thereof was not extended to the petitioner's son as he did not satisfy the conditions stipulated in paragraph 8(1)(a)(i) and (ii). It followed another Government Order No.488 dated 15.11.2021 but the petitioner's son was not found eligible for premature



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deserves to be treated at par with similarly placed convicts. We, however, instead of expressing any final view, are inclined to grant one more opportunity to the competent authority to reconsider the matter - taking a holistic view and then pass appropriate orders -

5. Thereafter, a detailed additional affidavit has been filed by Principal Secretary, Home Department of the State of Tamil Nadu.

6. It is not necessary for us at this stage to delve upon the reasons assigned by the respondents for denial of premature release to the petitioner's son. We say so, for the reason that co-accused of the petitioner's son, namely, Jabroo @ Sayed Jafer Ahmed s/o Syed Raheeb, who was life convict no.1484 was ordered to be released prematurely by the High Court of Judicature at Madras vide order dated 14.12.2017. The Special Leave petition(Cri.) Diary No.34853 of 2018 preferred by State of Tamil Nadu against the said order of the High Court was disposed of by this Court on 12.10.2018 in the following terms:

"I heard the learned counsel for the petitioners and perused the relevant material.

2. Delay condoned.

3. Having regard to the long period of custody suffered by the respondent (i.e. about 29 years) and also having regard to the peculiar facts of the case we decline to entertain the present Special Leave Petition. However, our refusal to entertain the present petition may not be understood to be an approval of the view taken by the High Court which is kept open for examination in an appropriate case.

4. The Special Leave Petition is disposed of in the above terms."

7. It is an admitted fact that as against the custody period of 20 years of his co-accused, the petitioner's son has undergone



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actual sentence of more than 25 years.

8. Similarly the third co-accused, namely, Abhuthahir was also prematurely released on health ground, though he subsequently passed away after a prolonged illness.

9. The conduct of the petitioner's son while in jail is reported to be satisfactory. He is not involved in any other case. It is further revealed from the record that the petitioner's son has involved himself in academic and vocational pursuits while undergoing sentence and has earned various academic qualifications and vocational training certificates including Diploma in computer hardware, tailoring and embroidery, electrical wiring, computer fundamentals etc. He has also completed course in Hindi speaking besides obtaining degree of Rashtrabhasha Visarad as well as M.A. (Hindi). It is also on record that he was released on parole with police escort and on those occasions there was no threat caused to him or his family members.

10. Taking into account the totality of the circumstances, it appears to us that the petitioner's son can be, to begin with, released on an interim basis for a specified period subject to his good behaviour. We, therefore, direct that let the petitioner's son i.e. Ashique (convict no.13112) be released as an interim measure for a period of six months subject to his furnishing bail bonds with two solvent sureties to the satisfaction of the Trial Court at Coimbatore. The petitioner's son (Ashique) is directed to report once in a month to the local police station. The State authorities shall submit a report with regard to the conduct and behaviour of the son of the petitioner, Ashique (convict no.13112), before

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copy of the petition of the respondent. The court will not issue the  
order of writs unless the respondent has shown that the petition is  
valid at least three days in advance and shall keep the court  
advised of the proceedings.  
2. The court will not issue the writs on 20-09-2023.

(JAGAN KISHOR)  
COURT MASTER (SN)

(PREETI T. S.)  
COURT MASTER (JAN)

9. Learned Prosecutor representing the respondents submits that as regards the respondents, 05.09.2023 proceedings sets out the stated position of the respondents and the same is reiterated.

10. In this view of the matter, it comes to light that the detenu in the captioned matter, namely Thiru. Harun Basha, son of Thiru. Magbook Sahib' [hereinafter 'prison inmate' for the sake of brevity, convenience and clarity] has remained incarcerated at least from 30.12.1999 for over 23 years now. Learned counsel submits that if pre-conviction incarceration is also taken into account, the prison inmate has served 25 years but it may not be necessary to go into that as *Sikkander* case dealt with by Hon'ble Supreme Court was a case of incarceration of 23 years and Hon'ble Mr Justice Thiru N. Ananthan Committee report applies as

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in *Sikkander* case.

11. As already alluded to supra, we notice that premature release process is on its very last limb, respectfully following the interim bails granted and orders in this regard made by Hon'ble Supreme Court in *Sikkander* and *Sardar Khan* cases (extracted and reproduced supra), we grant interim bail in the case on hand also albeit subject to the following conditions:

(a) The prison inmate namely, Thiru.Harun Basha (Convict No.10852) son of Thiru.Magbook Sahib, who is now lodged at Central Prison, Coimbatore 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) with two solvent sureties each for a likesum to the satisfaction of the trial Court [I Additional District and Sessions Judge] at Coimbatore;

(b) Prison inmate is directed to report once in a month to the local police station [B1 Bazaar Police Station,



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Coimbatore]. The State authorities shall submit a report with regard to the conduct of 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.

Captioned WMP is ordered on above terms.

mk

[M.S.,J.] [R.S.V.,J.]  
29.09.2023



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**5.** A perusal of the aforementioned 29.09.2023 order will make it clear that the same has been made by respectfully following interim bail that was granted by Hon'ble Supreme Court in *Sikkander case [Sikkander Vs. The State and others, Special Leave to Appeal (Crl.) No.12784 of 2022]* and *Sardar Khan case [Sardar Khan Vs. State and others, Special Leave to Appeal (Crl.) No.10176 of 2022]*. Both of which have been alluded to in paragraph 7 of the aforementioned order. To be noted, both orders of Hon'ble Supreme Court ie., orders in *Sikkander case* and *Sardar Khan case* have also been scanned and reproduced in paragraph 7 of the aforementioned order.

**6.** Be that as it may, this Court is informed by learned Public Prosecutor that pursuant to aforementioned 29.09.2023 order, the prison inmate therein [Thiru Harun Basha] was released on 09.10.2023. In other words, in the aforementioned *Harun Basha case*, the order has been complied with and there has been nothing untoward after release, is learned Additional Public Prosecutor's say. It is also to be noted that there is no dispute or contestation that the captioned matter is directly and squarely covered by *Harun Basha case* which in turn has been made by respectfully following Hon'ble Supreme Court order in *Sikkander case* and *Sardar Khan case*.

**7.** In the aforesaid scenario, this Bench is informed that a Hon'ble Division Bench in the Principal seat has granted interim bail orders in series of matters and the details are as follows:



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| S.No  | Convict Name & Central Prison                                       | Supreme Court Orders / High Court orders                         | Remarks                                                                                                               |
|-------|---------------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| ..... | .....                                                               | .....                                                            | .....                                                                                                                 |
| 7     | Life convict No.3244 SA.Batch, S/o.Abdul Rahman, C.P., Coimbatore   | W.M.P.No.30083 of 2023 in W.P.No.30464 of 2023, dated 18.10.2023 | The Hon'ble High Court of Madras granted 3 months interim bail to the prisoner. He was released on bail on 20.10.2023 |
| 8     | Life convict No.1770, Jahir Hussain, S/o.Salaudeen, C.P-1, Puzhal   | W.M.P.No.27591 of 2023 in W.P.No.2521 of 2023, dated 06.10.2023  | The Hon'ble High Court of Madras granted 3 months interim bail to the prisoner. He was released on bail on 18.10.2023 |
| 9     | Life convict No.18818, Shahul Hameed, S/o.Ibrahim, C.P., Coimbatore | W.M.P.No.27483 of 2023 in W.P.No.10020 of 2021 dated 06.10.2023  | The Hon'ble High Court of Madras granted 3 months interim bail to the prisoner. He was released on bail on 17.10.2023 |
| ..... | .....                                                               | .....                                                            | .....                                                                                                                 |

8. The aforementioned tabulation will show that the orders made by a Hon'ble Coordinate Bench in the principal seat have also been complied with and the respective prison inmates have been released on various dates which have been set out in column 4 of the aforementioned tabulation.

9. In addition to ***Sikkander case*** and ***Sardar Khan case*** attention of this Court is drawn to ***Babu @ Oomai Babu case [Jasmin Vs. The State of Tamil Nadu @ another]*** wherein, Hon'ble Supreme Court in and by an order dated 14.07.2023 in Special Leave to Appeal (Crl.) Nos.278-279 of 2023, granted interim bail and released the prison inmate on interim bail under similar circumstances. This Court is informed that in the case on hand also



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recommendation has been already made by the executive arm and the process is at the same stage as in ***Babu @ Oomai Babu case***. To be noted, prison inmate 'Babu @Oomai Babu' will be referred to as 'Jasmin's case' as Jasmin is the petitioner therein.

**10.** The narrative thus far will show that the prison inmate in the captioned matter Thiru.Sadiq @ Khan @ Rahamathullakhan, son of Jalaludheen has remained incarcerated for over 23 years now. As already alluded to supra, we notice that the premature release process is on its very last limb. Therefore, respectfully following the interim bails and orders in this regard made by Hon'ble Supreme Court in ***Sikkander case*** and ***Sardar Khan case*** as well as taking note of similar orders made by Hon'ble Coordinate Bench in the principal seat following ***Harun Basha case***, we grant interim bail in the case on hand also albeit subject to the following conditions:

(a) The prison inmate namely, Thiru.Sadiq @ Khan @ Rahamathullakhan (Convict No.7369) son of Jalaludheen, who is now lodged at Central Prison, Palayamkottai 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) with two solvent sureties each for a likesum to the satisfaction of the Principal District and Sessions Judge, Tiruchirappalli;

(b) Prison inmate is directed to report once in a month to the local police station [Melapalayam Police Station, Tirunelveli District]. The State



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authorities shall submit a report with regard to the conduct of 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.

**11.** Captioned WMP is ordered on above terms.

**12.** All concerned are directed to act on the uploaded soft copy of this order ie., as uploaded in the official website. To be noted, official website has a QR code.

sd/-  
03/11/2023

/ TRUE COPY /

08/11/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

vsm

TO

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,  
O/O. THE PRINCIPAL SECRETARY TO GOVERNMENT,  
HOME (PRISON IV) DEPARTMENT,  
SECRETARIAT, ST. GEORGE FORT, CHENNAI.

2 THE ADDITIONAL DIRECTOR GENERAL OF PRISON,  
O/O. THE ADDITIONAL DIRECTOR GENERAL OF PRISON,  
WHANNELS ROAD, EGMORE, CHENNAI.

3 THE SUPERINTENDENT OF CENTRAL PRISON,  
CENTRAL PRISON, PALAYAMKOTTAI,  
TIRUNELVELI.



**WMP(MD) No.17155 of 2023**

COPY TO

WEB COPY

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE, MELAPALAYAM POLICE STATION,  
TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

WMP(MD) No.17155 of 2023

IN

WP(MD) No.25085 of 2022

Date :03/11/2023

RS//SAR-(08.11.2023) 24P 7C

Madurai Bench of Madras High Court is issuing  
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