



WMP(MD) No.21641 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.21641 of 2023
IN
WP(MD) No.7133 of 2023

MYDEEN BEEVI

... PETITIONER/PETITIONER

Vs

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
O/O. THE ADDITIONAL CHIEF 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/RESPONDENTS



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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 Bail for a period of 6 months to petitioners son namely Sheik Sintha Mathar @ Jaffar @ Sintha, son of Bava Mohideen who is a life convict in a murder case and languishing in Palayankottai Central Prison for the past 24 years by considering this affidavit along with the writ petition in W.P. (MD).No.7133 of 2023.

Prayer in WP(MD). 7133/ 2023 :

To issue a Writ of Certiorarified Mandamus or any other writor direction in the nature of the writ to call for the records of Impugned G.O.(D) No. 25 dated. on 09.01.2023 issued by the Respondent no. 1 and quash the same as bad in law and direct the respondents to release the petitioners son prematurely on considering this Honble Court Order on W.P (MD) No. 24174 of 2019 in W.M.P (MD) No. 20767 of 2019 dated 22.02.2022 and his good conduct inside the prison considering the relevant G.O.s.

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.M.A.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 has been sought. The main Writ Petition ie., W.P.[MD]No.7133 of 2023 is qua premature release.

3. Short facts [shorn of particulars not imperative for appreciating this order] are that the petitioner's son one Thiru.Sheik Zindha Madhar @ Jaffar @ Zindha, son of Bava Mydeen @ Pulavar Mydeen is a prison inmate ie., convict prisoner, who was



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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 Track Court II, Tiruchirappalli; that this conviction and sentence was assailed in this Court by way of Criminal Appeal in Crl.A.(MD)No.1736 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 disputation 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 negated vide G.O.(D).No.25, Home (Prison-IV) Department, dated 09.01.2023, which has been assailed in the main Writ Petition. To be noted, the above is the lone case in which prison inmate Thiru.Sheik Zindha Madhar @ Jaffar @ Zindha, son of Bava Mydeen @ Pulavar Mydeen has been convicted

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 Magboo 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 I 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 Hon'ble 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 [WPNo.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:

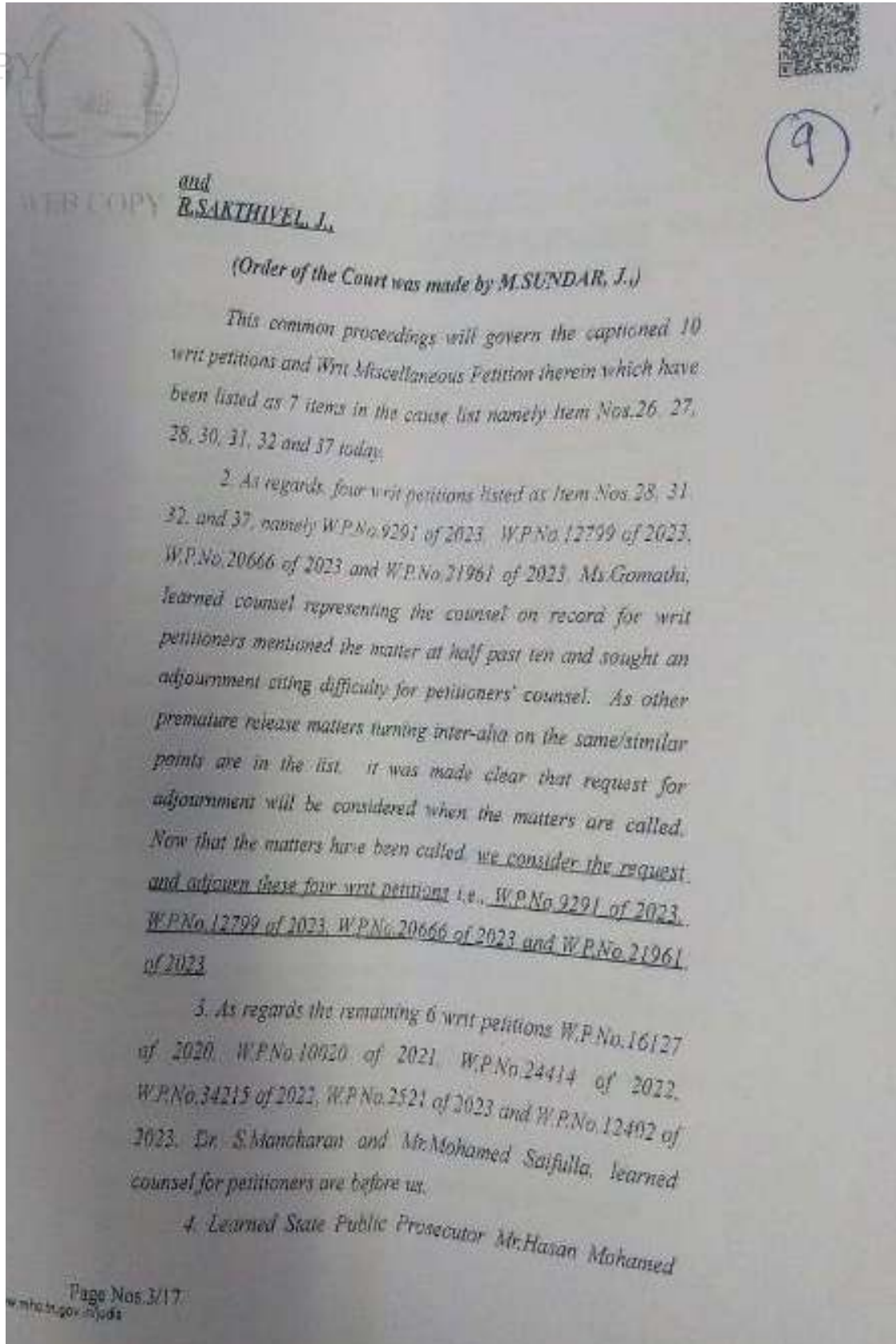
WPNo.16127 of 2020, WPNo.10020 of 2021, WPNo.24414 of 2022, WPNo.34215 of 2022, WPNo.2521 of 2023, WPNo.9291 of 2023, WPNo.12402 of 2023, WPNo.12789 of 2023, WPNo.20666 of 2023 and WPNo.21961 of 2023 & W.M.P.No.4401 of 2023

M.SUNDAR, J.,



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and
R.SARTHIVEL 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, Mr.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.10920 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.

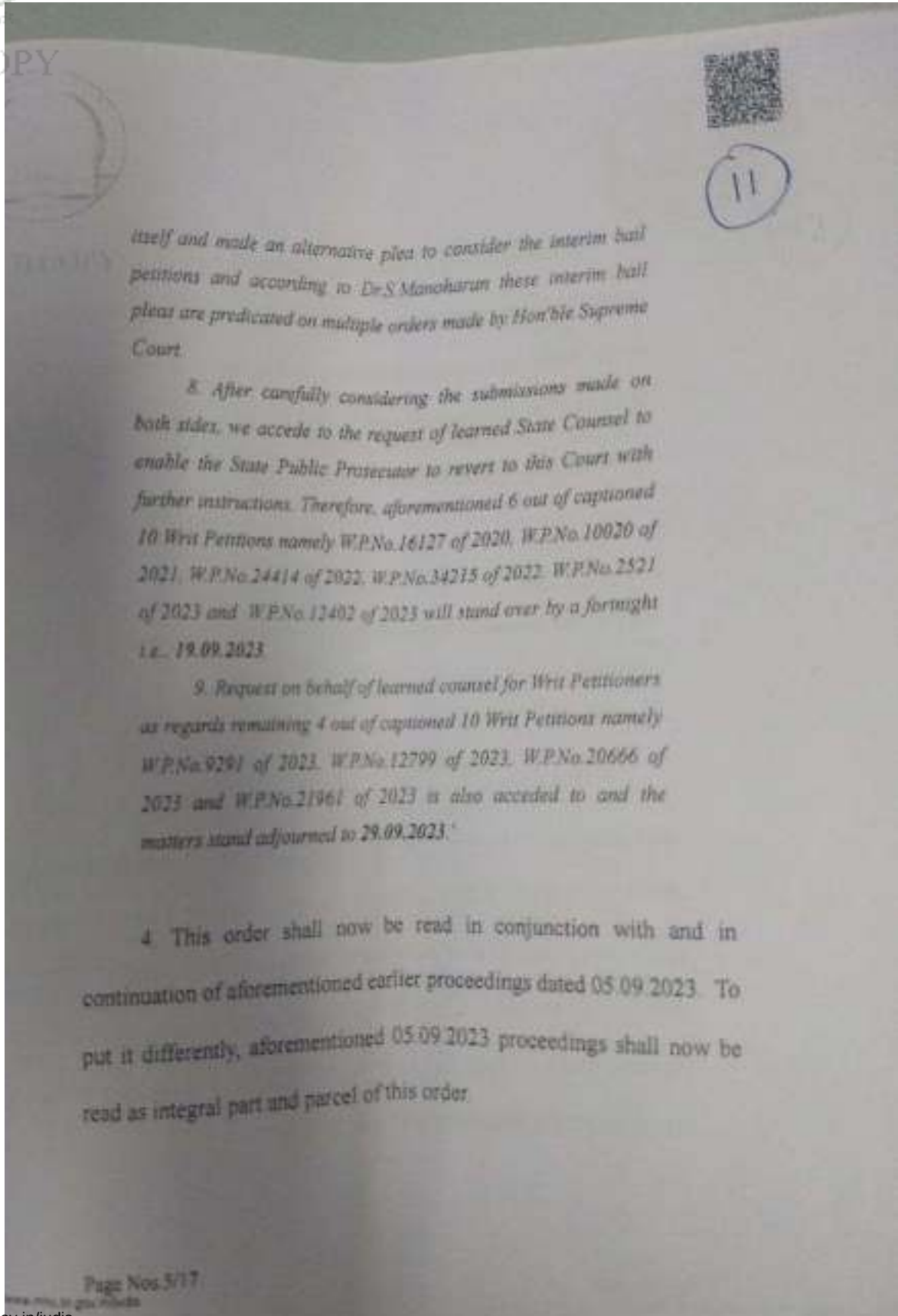
6. Learned State Public Prosecutor further submits on instructions that as regards 49 cases which do not fall under the Advisory Board scheme, after due consideration of Hon'ble Justice Thiru.N.Anbhinathan Committee, orders have been obtained from Hon'ble Chief Minister of Tamil Nadu and the matter has 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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5. Aforementioned proceedings speaks for itself and it captures all essentials that are imperative for appreciating this order and therefore, we are not setting out the same again now. Aforementioned proceedings i.e., 05.09.2023 proceedings is now being read as an integral part and parcel of this order as already alluded to supra.

6 Paragraph No.6 is very significant and it makes it clear that Hon'ble Mr.Justice Thiru.N.Authinathan Committee consideration has happened and premature release is in its very last limb.

7. The case on hand i.e., captioned matter is akin to *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*] in which interim bail was granted by two different Hon'ble Benches of Hon'ble Supreme Court. Interim bail order dated 25.07.2023 made by Hon'ble Supreme Court in *Sikkander* case is as follows.



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ITEM NO. 13

SECTION 11.6

SUPREME COURT OF INDIA
BENCH OF MEMBERSHIP

PHILIPIN(x) for special leave to appeal (Crl.) No(x). 12784/2022
(Arising out of impugned final judgment and order dated 22-12-2022
in WP No. 7785/2022 passed by the High Court of Madras at
Madras)

STATE REP. BY SECRETARY
TO GOVT. OF TAMILNADU & ORS.

Respondent(s)

[FOR ADMISSION and I.R.
[ONLY CONNECTED SLP(SL) NO. 8078/2022 IS LISTED UNDER THIS ITEM]]

WITH
SLP(Cr.) No. 8078/2022 (ST-C)
(FOR ADMISSION and I.R.)

Date : 25-07-2023 This petition was called on for hearing today.

JUDGE
HON'BLE MR. JUSTICE SANJAY KISHAN AGAL
HON'BLE MR. JUSTICE MOHAMMAD QADIR

For Petitioner(s)

Mr. T. Marjan Kader, ADR
Mr. Prabu Ramasubramanian, Adv.
Mr. Bharathimohan S., Adv.
Mr. Kameesh Sugar, Adv.
Ms. S. Priya, Adv.
Mr. Subhan Akthari, Adv.

Mr. S. Prabu Ramasubramanian, Adv.
Mr. Rajinatha Jethupathy S. ADR
Ms. Priya R, Adv.
Mr. Bharathimohan S. Adv.

For Respondent(s)

Mr. V. Krishnaswamy, Sr. Adv., A.A.S.
Dr. Joseph Aristotle S., ADR
Ms. Shashi Sathya, Adv.
Ms. Valdehi Kothari, Adv.
Ms. Kisha Vishwakaran, Adv.

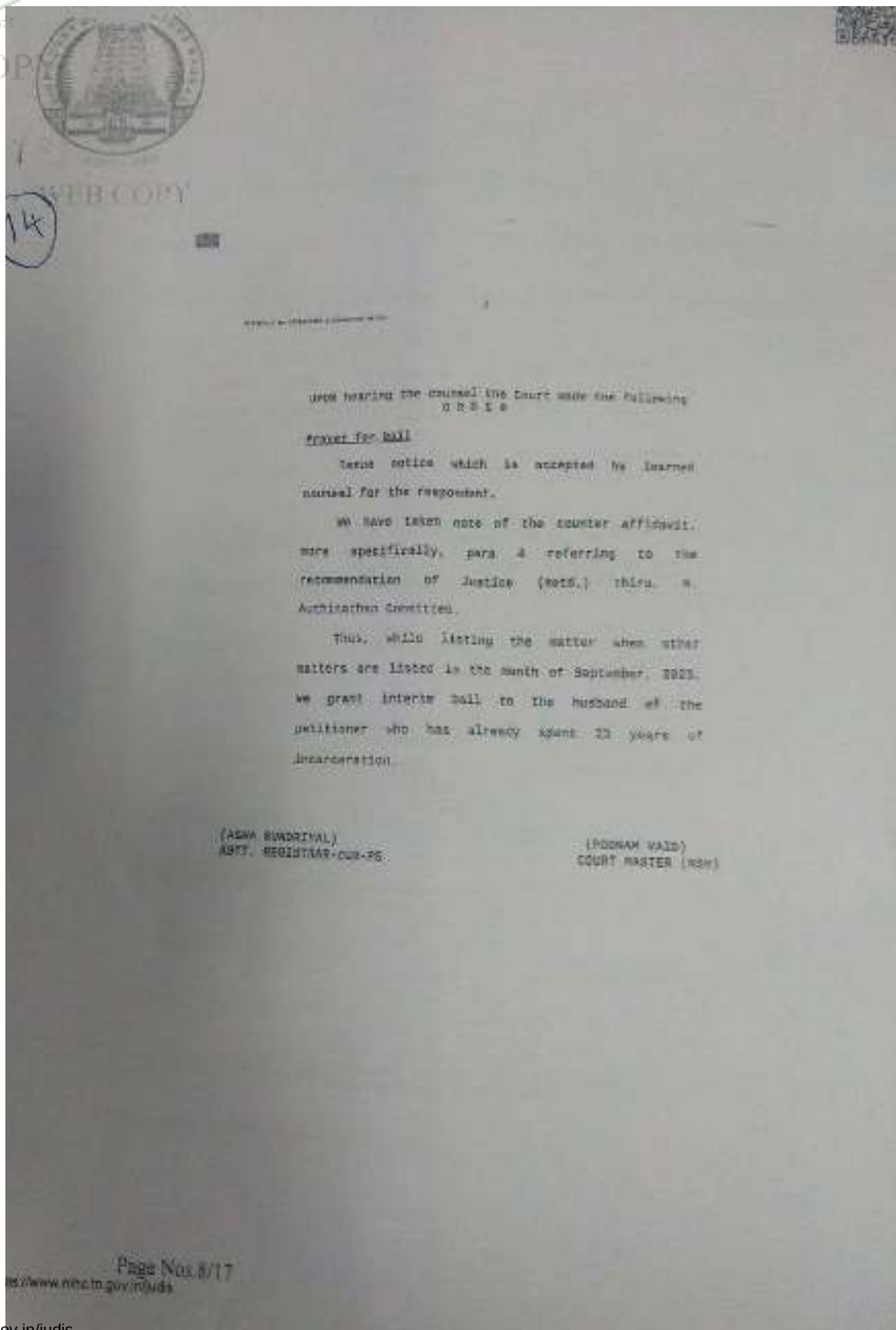
Mr. P. Soma Sundaram, ADR

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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)

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

[PERMISSION AND I.R. ARE LA NO.142558/2022-CONSTITUTION OF DELAY IN FILING AND LA NO.142558/2022-EXEMPTION FROM FILING D.T. AND IN NO.142557/2022-PERMISSION TO FILE PETITION (SRL NO.181/6/22) LA NO.142558/2022 - APPLICATION FOR PERMISSION]

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

CORAM
HON'BLE MR. JUSTICE DINESH KUMAR
HON'BLE MR. JUSTICE DINESH KUMAR

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

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

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

The writ of the petitioner (Arrest) was committed by the Additional District and Sessions Judge, P.S-II, Madurai to S.G.

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No. 686 of 2008 on 02.08.2022 under Sections 120B, 148, 241, 302 read with Section 34 of the Indian Penal Code, 1860 and was sentenced to life imprisonment. His Criminal Appeal No. 852 of 2003 was dismissed by the High Court of Judicature at Madras. The petitioner's son (convict no. 13112), along with his two co-accused was held guilty of committing murder of Mr. Jayaprakash, Assistant Jailor of Central Prison, Madurai. The said Assistant Jailor was murdered only because he searched one of the prisoner Sahul Hameed during his admission in Central Prison, Madurai in the year 1987. The crime was committed in the year 1987, which was duly registered in Madurai CD-OTD Police Station as Crime No. 1861 of 1987. 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 81 days imprisonment as on 10.08.2022 and no other criminal case was pending against him.

2. The State of Tamil Nadu, as a one time measure, issued Government Order No. 1159 on 11.09.2006, whereunder it was decided that all the life convicts, who had completed seven years of actual imprisonment as on 15.09.2006 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 03.02.2018 was issued but the benefit thereof was not extended to the petitioner's son as he did not satisfy the conditions stipulated in paragraph 2(II)(2)(A)(vi) and (xi). It followed another Government Order No. 482 dated 25.11.2022 but the petitioner's son was not found eligible for premature



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release as per the said Government Order also.

2. The denial of premature release to his son prompted the petitioner to approach the High Court of Judicature at Madras but his writ petition seeking such relief has been turned down by the High Court vide impugned order dated 25.01.2022, giving rise to this special leave petition.

3. The respondents in their counter affidavit assigned three reasons for not releasing the petitioner's son prematurely. Those reasons were briefly discussed and repelled by this Court vide interim order dated 25.01.2022 observing as follows:

"1. The son of the petitioner is a life convict. He has spent more than 24 years in jail. As per the policy decisions taken from time to time by the State Government, the petitioner's son was entitled to premature release from jail. However, it appears from the record that the benefit of premature release was denied to him firstly in the year 2008 and then again in the year 2018-19. The second time, the son of the petitioner was denied the benefit of premature release on the grounds that 'he was involved in heinous crime of murder; that he is a sympathizer and the follower of a leader of a banned outfit' and that 'as per the report of the Commissioner of Police, Coimbatore, his release will create serious law and order problem in the communally sensitive city of Coimbatore'.

2. As regard to the first reason, namely, that the petitioner was involved in a heinous crime, it cannot be disputed that several convicts under Section 302 IPC have since been released prematurely.

3. The second ground, namely, that the son of the petitioner is a sympathizer of a banned outfit, it appears can be effectively addressed by releasing the petitioner's son initially on temporary basis and then taking a final call after evaluating his activities while he is released.

4. The third ground i.e. the apprehension of law and order situation does not appear to have any factual basis.

5. In our considered view, the son of the petitioner



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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 Naheeb, 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:

"1. 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 20 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 15 years.

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

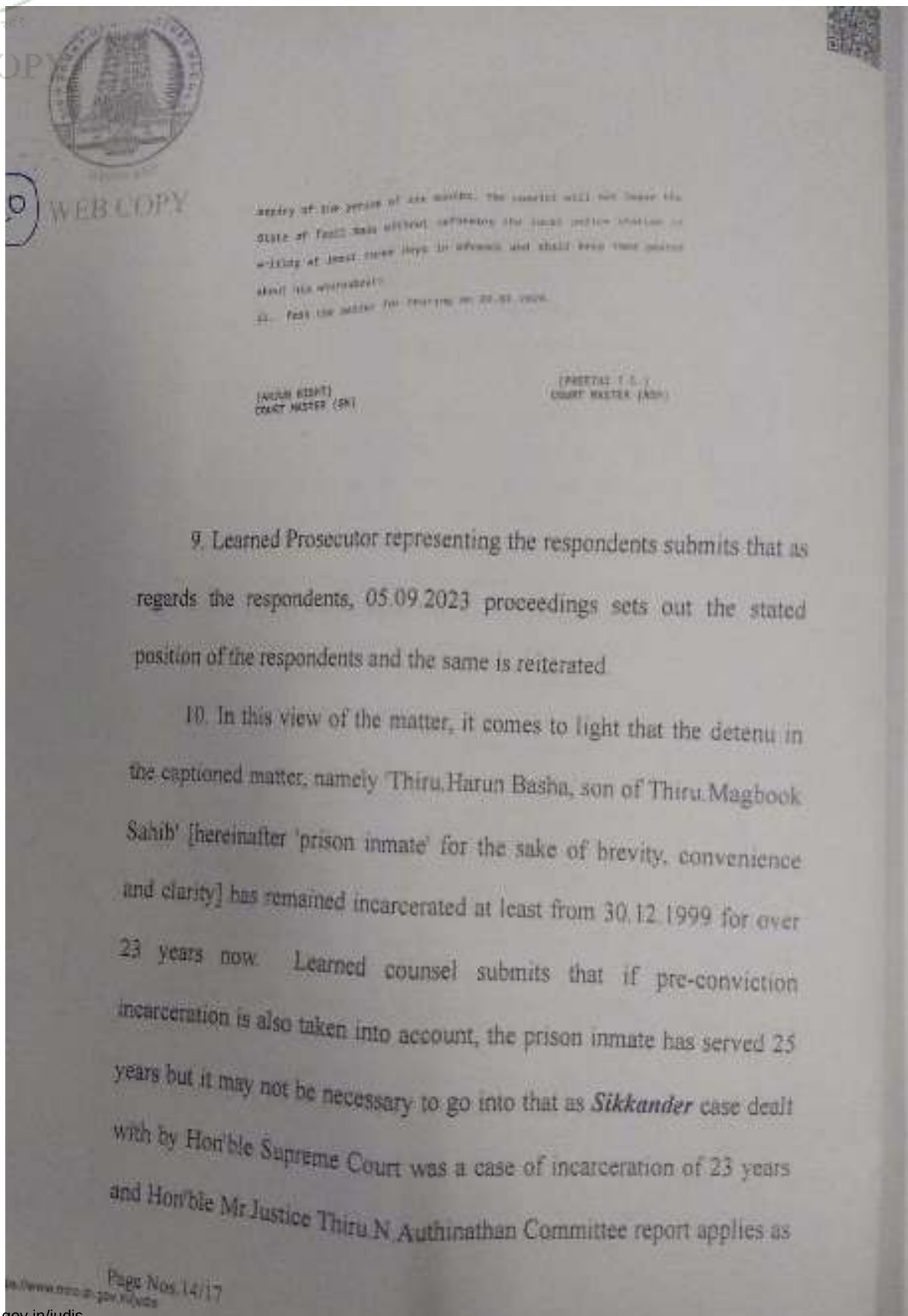
9. The conduct of the petitioner's son while in jail is reported to be satisfactory. He is not involved in any other case. It is further revealed from the record that the petitioner's son has involved himself in academic and vocational pursuits while undergoing sentence and has earned various academic 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 Rashtreeya Vaidya as well as M.A. (Tamil). It is also on record that he was released on parole with police escort and on those occasions there was no threat posed to him or his family members.

10. Taking into account the totality of the circumstances, it appears to me that the petitioner's son can be, to begin with, released on an interim basis for a specific 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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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 dated 29.09.2023.

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 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 disputation 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



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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.Batcha, 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
.....			

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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 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.Sheik Zindha Madhar @ Jaffar @ Zindha, son of Bava Mydeen @ Pulavar Mydeen 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



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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.Sheik Zindha Madhar @ Jaffar @ Zindha (Convict No.7370) son of Bava Mydeen @ Pulavar Mydeen, 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 [Pathamadaai Police Station, Tirunelveli District]. 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.

11. Captioned WMP is ordered on above terms.



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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

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08/11/2023

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

vsm

TO

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
O/O. THE ADDITIONAL CHIEF 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.

COPY TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI.

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

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

<https://www.hmc.tn.gov.in/judis>



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WMP(MD) No.21641 of 2023

ORDER

IN

WMP(MD) No.21641 of 2023

IN

WP(MD) No.7133 of 2023

Date :03/11/2023

RS//SAR-(08.11.2023) 25P 7C

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