



W.P(MD)No.30117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P(MD)No.30117 of 2023

Sathaiah

... Petitioner

vs.

1.The Jailor,
Sub Jail,
Melur Sub Jail,
Melur,
Madurai District.

2.The Inspector of Police,
Silaiman Police Station,
Madurai District.
In Crime No.508 of 2023

3.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
In Crime No.46 of 2023

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to grant 10 days leave (parole) to the petitioner's brother namely Pugalenthir son of Kalimuthu, who is now detained in Sub Jail,



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Melur, Madurai District as a remand prisoner to participate in his father namely Kalimuthu's funeral ceremony.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed in this Court today (15.12.2023) with a prayer for leave (parole) for WP petitioner's brother one Thiru.Pugalenth, Son of Thiru.Kalimuthu now lodged in 'Sub Jail, Melur, Madurai District' [hereinafter 'said jail' for the sake of convenience and clarity]. 'Thiru.Pugalenth' shall hereinafter be referred to as '*said prison inmate*' for the sake of convenience / clarity and for the sake of use of better / refined glossary.

2.Mr.P.Gunasekaran, learned counsel for WP petitioner mentioned the matter stating that said prison inmate's father is no more, he breathed his last this morning and prison inmate has to



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attend his father's funeral and pay his last respects. Permission was accorded to move captioned WP as an emergent matter. The matter was taken up by way of an additional list.

3.Short facts are that said prison inmate is a remand prisoner qua three F.I.Rs namely Crime No.46 of 2023 dated 10.02.2023 on the file of Othakadai Police Station, Madurai and Crime Nos.223 and 508 of 2023 dated 06.06.2023 and 19.11.2023 respectively both on the file of Silaiman Police Station, Madurai.

4.Ideally said prison inmate should have sought interim bail before learned Magistrate concerned. However, considering the extraordinary emergent circumstances and considering that it is a case of bereavement (prison inmate's father's demise) we have entertained captioned WP making it clear that this will not serve as a precedent in all cases in the days to come.



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5.It has become necessary to clarify that there is no parole in Tamil Nadu. There is only provision for leave. However, we treat the prayer as neither. We treat the prayer as one for interim bail and exercise our extraordinary constitutional powers.

6.Issue notice. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, who accepts notice for respondents says that it will be desirable that prison inmate goes with a one man escort.

7.Said prison inmate ie., Thiru.Pugalenth, Son of Thiru.Kalimuthu, R.P.No.4192 now lodged in Sub Jail, Melur, Madurai District is granted interim bail today / now for a day for the sole purpose of attending his father late.Thiru.Kalimuthu's funeral ie., for paying his last respects on condition that he shall return and surrender by dusk ie., by 05.30 p.m tomorrow (16.12.2023) before the jail authorities.



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8.The said prison inmate shall not avail this interim bail for any purpose other than reason for which it has been granted and at the risk of repetition, we reiterate that such a course is an exception and therefore shall not be treated as a precedent.

9.Captioned WP is disposed of in the aforementioned manner. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
15.12.2023

Index : Yes/No

Neutral Citation : Yes/No

ps

P.S:

(i) Upload forthwith.

(ii) Registry to forthwith communicate this order to Jail authorities in Sub Jail, Melur, Madurai District. All concerned to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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

ps

ORDER MADE IN
W.P(MD)No.30117 of 2023

DATED : 15.12.2023