



W.M.P. No.60 of 2024 in W.P. No.22085

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.M.P. No.60 of 2024

in

W.P.No.22085 of 2023

Ramesh

... Petitioner

Vs.

The State represented its

1. The Home Secretary to Government,
Home Department, Prison IV, Secretariat,
Chennai 600 009.

2. The Director General of Prisons,
No.02, Whannels Road, Egmore, Chennai 600 008.

3. The Superintendent of Prison,
Central Prison at Puzhal,
Thiruvallur District 600 066

...Respondents



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Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India praying to issue a direction to grant interim bail for a period of three months to the Convict/Petitioner namely Ramesh, S/o. Arumugam (CT No.2844) who is confined at Central Prison, Puzhal-I.

For Petitioner : Mr.M. Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by **SUNDER MOHAN, J.**)

By an order dated 26.07.2023, this Court had quashed the impugned order in W.P.No.22085 of 2023 and directed the respondents to consider the application filed by the petitioner seeking premature release. This Court further directed the matter to be listed under the caption “For Reporting Compliance” once again. Though several adjournments were granted, it is reported that the respondents are yet to pass orders. In these circumstances, the present Writ Miscellaneous Petition has been filed by the detenu seeking interim bail for a period of three months.



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2 (i). The learned Additional Public Prosecutor, on instructions, submitted that as regards 49 cases for premature release, which do not fall under the Advisory Board Scheme, after due consideration 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 are in prison for more than 14 years, has granted interim bail to the petitioners therein subject to conditions.

(ii) The learned Additional Public Prosecutor on instructions submitted that the case of the petitioner has been favourably considered by the Government for premature release and it is pending before the Hon'ble Governor for final orders. Therefore, he has no serious objections for passing similar orders subject to same conditions.



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3. In view of the factual matrix, this Court is inclined to grant interim

bail subject to the following conditions :

- i. The prison inmate, namely, Ramesh, S/o. Arumugam (Convict No.2844) who is now confined at Central Prison, Puzhal-I, Chennai, shall be released, as an interim bail, for a period of three months subject to his furnishing bail bond 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, Thiruvallur.
- ii. Prison inmate is directed to report weekly once to the local Police Station (T-7, Tank Factory Police Station, Avadi, Thiruvallur District). 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.



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WEB COPY 4. Accordingly, the Writ Miscellaneous Petition is ordered.

(M.S.R., J.) (S.M., J.)
29.01.2024

bga

Internet : Yes

Index : Yes / No

Note to office:

Issue order copy by 30.01.2024

Upload the order copy forthwith

To

1. The Principal District and Sessions Judge, Thiruvallur.

2. The Home Secretary to Government,
Home Department, Prison IV, Secretariat,
Chennai 600 009.

3. The Director General of Prisons,
No.02, Whannels Road, Egmore, Chennai 600 008.

4. The Superintendent of Prison,
Central Prison at Puzhal,
Thiruvallur District 600 066

5. The Inspector of Police,
T-7, Tank Factory Police Station, Avadi,
Thiruvallur District.

6. The Public Prosecutor,
High Court, Madras.

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