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W.M.P.No.5447 of 2024
in W.P.No.4962 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.M.P.No.5447 of 2024
in W.P.No.4962 of 2024

M. Akkamma

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison, Vellore – 2.

4.The Superintendent of Prison,
Central Jail, Bengaluru,
Karnataka – 591 108.

5.The Inspector of Police,
Mathigir Police Station,
Krishnagiri District.

... Respondents



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Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to grant interim direction to the respondents to release the petitioner's son namely Shankar Reddy, S/o.Muthuraya Reddy, Life Convict, now confined in the Central Prison, Bengaluru, Karnataka, on interim bail, till the disposal of the Writ Petition.

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

This Writ Miscellaneous Petition has been filed by the petitioner, who is the mother of the life convict prisoner namely Shankar Reddy, S/o.Muthuraya Reddy, seeking for interim bail for her son, until disposal of the Writ Petition.

2. In the Writ Petition, the petitioner is seeking for a direction to the respondents to consider her representations dated 18.01.2024 and 20.02.2024, requesting for premature release of her son.



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3. The learned counsel for the petitioner submitted that the life convict prisoner is eligible for premature release in pursuant to G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021 and G.O.(Ms).No.430, Home (Prison-IV) Department, dated 11.08.2023 since he has completed more than 20 years in prison. However, since the life convict prisoner is confined in the Prison of Bengaluru, his name was not recommended in the said Government order, for which, the petitioner has given representations dated 18.01.2024 and 20.02.2024.

4. The learned Additional Public Prosecutor submitted that the request of the petitioner for premature release of her son is pending with Governor and is under active consideration by the Government under G.O.Ms.No.430 dated 11.08.2023.

5. By taking into consideration the long period of incarceration and the fact that the reconsideration by the Government may take time, we are inclined to grant interim bail for a period of three months till 19.06.2024.

6. Accordingly, the interim bail is granted to the petitioner's son, subject to the following conditions :



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- i. The prison inmate, namely Shankar Reddy, S/o.Muthuraya, who is now confined in Central Prison, Bengaluru, Karnataka, shall be released as an interim measure for a period of three months till 19.06.2024, subject to his furnishing bail bonds of value of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned 1st Additional Sessions Court, Krishnagiri;
- ii. Prison inmate is directed to report once in a week (every Monday) to Hosur Town Police Station, Krishnagiri 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.

7. Accordingly, this Writ Miscellaneous Petition is allowed.



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8. Post the Writ Petition on 14.06.2024.

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

20.03.2024

Index: Yes/No

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Note: Issue Order Copy on 22.03.2024.

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison, Vellore – 2.

4.The Superintendent of Prison,
Central Jail, Bengaluru, Karnataka – 591 108.

5.The Inspector of Police,
Mathigir Police Station,
Krishnagiri District.

6.The Public Prosecutor,
High Court, Madras.



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