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W.M.P.No.9554 of 2024

W.M.P.No.9554 of 2024
in W.M.P.No.4474 of 2024
in W.P.No.32229 of 2023

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

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

This petition has been filed seeking extension of ordinary leave granted to the petitioner's brother vide order of this Court dated 20.02.2024 in W.M.P.No.4474 of 2024, from 03.04.2024 until the disposal of the above writ petition.

2. When an appeal is pending before the Hon'ble Supreme Court, granting of interim bail may not be appropriate. However, after consideration of the fact that the co-accused involved in the subject case were already granted interim bail, we had, through an earlier order passed on 11.01.2024, granted ordinary leave for a period of 40 days between 13.01.2024 to 21.02.2024. Thereafter, the leave was extended upto 03.04.2024 vide order dated 20.02.2024 made in WMP No.4474 of 2024. It is now stated that the appeal is still pending before the Hon'ble Supreme Court.



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3. In the report of the Probation Officer dated 25.03.2024, it is stated that the life convict, while on ordinary leave has maintained good conduct and had not indulged in any complaints.

4. In view of the interim bail granted to the co-accused and the positive report of the Probation Officer, we are inclined to extend the ordinary leave, for a further period, commencing from 03.04.2024 till 26.06.2024.

5. Hence, the petitioner's brother / convict prisoner i.e., Mohammed Azam, S/o. John Basha, Convict No.10709, is permitted to avail ordinary leave for a further period from 03.04.2024 till 26.06.2024 without escort, on the following conditions.

(i) The life convict prisoner need not surrender before the 2nd respondent herein on 03.04.2024.

(ii) During the period of leave, the life convict prisoner is directed to report before the Kuniyamuthur Police Station, Coimbatore, twice a week i.e., on every Monday and Thursday at 05.00 pm.

(iii) After expiry of the ordinary leave, the life convict prisoner shall



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surrender before the 2nd respondent herein, on 26.06.2024 before 05:00 p.m.

(iv) During the period of leave, the Probation Officer shall furnish a report touching upon the conduct of the detenue whilst he was on leave.

(v) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

6. Accordingly, the Writ Miscellaneous Petition stands allowed.

[M.S.R., J] [S.M., J]
28.03.2024
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Note: Issue Order Copy on 01.04.2024.



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