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W.M.P.No.18116 of 2024 in W.P.No.16516 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.M.P.No.18116 of 2024
in
W.P.No.16516 of 2024

Esther

... Petitioner/Mother of the
Detenu

Vs.

1. The State represented by its,
The Additional Chief Secretary to Government,
Department of Home (Prison IV),
Fort St.George,
Chennai - 600 009.
2. The Superintendent of Prisons,
Central Prison - 1,
Puzhal,
Chennai - 600 066.

... Respondents

Prayer: This Miscellaneous Petition filed under Article 226 of the Constitution of India, to direct the respondents to release the detenu, John David, S/o. David Marimuthu, Life Convict No.4897, aged about 46 years, now confined at Central Prison, Puzhal - 1 on interim Bail until the disposal of the writ petition.



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For Petitioner : Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

This Writ Miscellaneous petition has been filed seeking a direction to the respondents to grant interim bail to the detenu viz., John David, S/o. David Marimuthu, Life Convict No.4897, aged about 46 years, now confined at Central Prison, Puzhal - 1.

2. The learned counsel for the petitioner would submit that the detenu has completed all the conditions and met all the requirements for release as per G.O.(Ms.)No.430 and now, he is in prison for more than 16 years and hence, he seeks for interim bail.

3. The learned State Public Prosecutor appearing for the respondents has no serious objection to grant interim bail to the convict prisoner.

4. In view of the fact that we have set aside the rejection order of the premature release of the petitioner under the scheme for remission and remitted



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for fresh consideration and considering the factual situation of the convict prisoner is actually undergoing imprisonment for more than 16 years, we are inclined to grant interim bail to the convict prisoner.

5. Considering the fact that since the writ petition itself is **allowed** today, this Court is inclined to grant Interim Bail on conditions that:

(i) The Convict Prisoner viz., John David, S/o. David Marimuthu, Life Convict No.4897, aged about 46 years, now confined at Central Prison, Puzhal - 1, is ordered to be released on interim bail on his executing a own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the the Superintendent, Central Prison-I, Puzhal, Chennai.

(ii) The convict prisoner 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.

(iii) The interim bail granted in the present petition is subject to the outcome of the final order to be passed by the Government on the premature release of the petitioner in pursuant to the orders of this Court dated 21.10.2024 in W.P.No.16516 of 2024.



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6. Accordingly, this Writ Miscellaneous Petition is **allowed**.

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[S.M.S., J.] [V.S.G., J.]
21.10.2024
(2/2)

Index: Yes/No
Speaking/Non-speaking order
veda

To

1. The Additional Chief Secretary to Government,
Department of Home (Prison IV),
Fort St.George,
Chennai - 600 009.
2. The Superintendent of Prisons,
Central Prison - 1,
Puzhal,
Chennai - 600 066.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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AND
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