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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM :

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

WMP No.19111 of 2024
in
W.P.No.17332 of 2024

Archunan ... Petitioner

Vs

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

2. The Director General of Police &
   Director General of Prisons and Correctional Service,
   Whannels Road,
   Egmore, Chennai – 600 008.

3. The Superintendent of Prisons,
   Central Prison-I,
   Puzhal, Chennai 600 066. .... Respondents

PRAYER: This Writ Miscellaneous Petition filed under Article 226 of Constitution of India to issue an interim direction to the respondents to

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release the petitioner, namely, Archunan, S/o. Madasamy, aged 46 years, Ct.No.4004, now confined in the Central Prison-1, Puzhal, Chennai 66 on interim bail till the disposal of the writ petition.

For Petitioner : Mrs. S. Nadhiya

For Respondents : Mr. E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

This Writ Miscellaneous petition has been filed to issue an interim direction for granting interim bail to the petitioner, namely, Archunan, S/o. Madasamy, aged 46 years, Ct.No.4004, now confined in the Central Prison-1, Puzhal, Chennai 66.

2. The learned counsel for the petitioner would submit that the similarly placed person in the G.O.(Ms).No.488 Home(Prison-IV) Department, dated 15.11.2011,namely, Suresh S/o. Seetharaman, was released prematurely as per G.O.(Ms).No.510, Home (Prison-IV) Department, dated 06.09.2024, however, the petitioner's premature release was rejected and now, he is in prison for more than 14 years and hence, he seeks for interim bail.

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3. The learned State Public Prosecutor appearing for the respondents has no serious objection to grant interim bail to the petitioner/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 for fresh consideration and considering the factual situation of the convict prisoner is actually undergoing imprisonment for more than 14 years, we are inclined to grant interim bail to the petitioner.

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 petitioner/Convict Prisoner viz., Archunan, S/o. Madasamy, aged 46 years, Ct.No.4004, now confined in the Central Prison-1, Puzhal, Chennai, 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.

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(ii) The petitioner/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 17.10.2024 in W.P.No.17332 of 2024.

6. Accordingly, this Writ Miscellaneous Petition is allowed.

[S.M.S., J.] **[V.S.G., J.]**

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AND
V.SIVAGNANAM, J.

mrp

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