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W.M.P.No.20205 of 2024
in W.P.No.17884 of 2024

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

W.M.P.No.20205 of 2024

in

W.P.No.17884 of 2024

K.Jayanthi

... Petitioner

Vs.

The State Represented by its,

1.The Secretary to the Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St. George,
Chennai – 600 009.

2.The Superintendent of Prison,
Trichy Prison,
Trichy – 620 620.

... Respondents

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to direct the respondents to release the detenue, Karunagaran S/o.Swaminathan, aged about 67 years, bearing Convict No.98913, now confined at Central Prison, Trichy 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 is made by **S.M.SUBRAMANIAM, J.**]

The writ miscellaneous petition has been filed to direct the respondents to release the detenu Karunagaran, S/o.Swaminathan, aged about 67 years, bearing Convict No.98913, now confined at Central Prison, Trichy on interim bail, on his own surety bond.

2. The learned counsel for the petitioner would submit the petitioner submitted an application seeking premature release of her husband / convict prisoner under the scheme formulated by the Government in G.O.Ms.No.488, Home (Prison-IV) Department dated 15.11.2021. The said application was scrutinised and processed by the Government. Thereafter, the Government passed a rejection order in G.O.(D).No.542, Home (Prison-IV) Department dated 30.04.2024 and hence, he seeks for interim bail.



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3. The learned Additional Public Prosecutor appearing on behalf of the respondents has no serious objection to grant interim bail to the petitioner's husband / convict prisoner.

4. In view of the fact that we have set aside the rejection order passed by the Government in G.O.(D).No.542, dated 30.04.2024 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 about 14 years, we are inclined to grant interim bail to the petitioner's husband.

5. Considering the fact that since the writ petition itself is allowed today, this Court is inclined to grant interim bail on the following conditions;

(1) The petitioner's husband /Convict Prisoner viz., Karunagaran S/o.Swaminathan, aged about 67 years, bearing Convict No.98913, now confined at Central Prison, Trichy, 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 Superintendent, Central Prison, Trichy.



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(2) The petitioner's husband / 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.

(3) 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.17884 of 2024.

6. Accordingly, this Writ Miscellaneous Petition stands allowed.

[S.M.S., J.] [V.S.G., J.]
17.10.2024
(2/2)

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

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To
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- 1.The Secretary to the Government of Tamil Nadu,
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Chennai – 600 009.
- 2.The Superintendent of Prison,
Trichy Prison,
Trichy – 620 620.
- 3.The Additional Public Prosecutor,
Madras High Court.



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AND
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