



WEB COPY



W.P.No.31424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

W.P.No.31424 of 2024

A.Narkis Banu

... Petitioner

Vs.

1. The State represented by its,
The Home Secretary to Government,
Prison Department,
Secretariat, Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Coimbatore Range,
Gandhipuram, Coimbatore - 641 012.
3. The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty - 636 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of mandamus, directing the respondents to grant 03 months ordinary leave to the husband of the petitioner/convict namely Mr.Ahamed Basha @ Neethinathan S/o. Thiyagarajan (CT No.7577) in pursuance to the petitioner's representation dated 11.09.2024.



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For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The writ petition has been filed to direct the respondents to grant 03 months ordinary leave to the husband of the petitioner/convict prisoner *viz.*, Mr.Ahamed Basha @ Neethinathan S/o. Thiyagarajan (CT No.7577) in pursuance to the petitioner's representation dated 11.09.2024.

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.213, Home (Prison-IV) Department dated 27.02.2024 and the same was challenged before this Court in W.P.No.31241 of 2024. This Court *vide* order dated 09.09.2024 allowed the writ petition and remanded back to the State Government for fresh



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consideration. Now, the petitioner sent a representation to the respondents dated 11.09.2024 seeking three months leave, since the prisoner has to make necessary arrangements for the marriage of his two daughters.

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

4. Considering the facts and circumstances and considering the factual situation of the convict prisoner is actually undergoing imprisonment for about 10 years, we are inclined to grant interim bail to the petitioner's husband on the following conditions;

(1) The petitioner's husband/Convict Prisoner viz., Ahamed Basha @ Neethinathan s/o. Thiyagarajan, bearing CT No.7577, confined at Central Prison, Salem 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, Salem.

(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



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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 09.09.2024 in W.P.No.13241 of 2024.

5. Accordingly, this Writ Petition stands **allowed**. No costs.

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

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Index: Yes/No

Speaking/Non-speaking order

veda



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4. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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