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W.M.P.No.34583 of 2024
in W.P.No.31815 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.M.P.No.34583 of 2024

in

W.P.No.31815 of 2024

Mr.Vanniya Raja

... Petitioner

Vs.

1.The State Represented by its,
The Additional Chief Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Palayamkottai,
Tirunelveli District – 627 002.

... Respondents

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to direct the respondents to grant three months an interim bail to the Convict / petitioner namely Mr.Vanniya Raja,



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S/o.Karuppasamy.

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For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.R.Muniyapparaj
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 grant an interim bail for a period of three months to the convict prisoner / petitioner namely Mr.Vanniya Raja, S/o.Karuppasamy.

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.1049, Home (Prison-IV) Department dated 06.09.2024 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 / 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.1049, dated 06.09.2024 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 13 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 the following conditions;

(1) The petitioner / Convict Prisoner viz., Mr.Vanniya Raja S/o.Karuppasamy, aged about 47 years, bearing Convict No.563, now confined at Central Prison, Palayamkottai, Tirunelveli District, 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, Palayamkottai, Tirunelveli District.



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(2) 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.

(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 05.11.2024 in W.P.No.31815 of 2024.

6. Accordingly, this Writ Miscellaneous Petition stands allowed.

[S.M.S., J.] [M.J.R., J.]
05.11.2024
(2/2)

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

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To
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- 1.The Additional Chief Secretary to Government,
The State,
Home (Prison-IV) Department,
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Chennai – 600 009.
- 2.The Director General of Prisons,
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- 3.The Additional Public Prosecutor,
Madras High Court.



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M.JOTHIRAMAN, J.

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