



W.P.No.32152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

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

W.P.No.32152 of 2024

R.Selvam

... Petitioner

Vs.

1. The Principal 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 Prison,
Central Prison-1,
Puzhal, Chennai – 66.

... 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 release the petitioner's son namely Vijayababu S/o. Selvam, Convict No.2638 Life Convict , now confined in the Central Prison-1, Puzhal, Chennai – 66, on interim bail.



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For Petitioner : Mr.P.Pugalenth
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 release the petitioner's son namely Vijayababu, Convict No.2638 Life Convict, now confined in the Central Prison-1, Puzhal, Chennai – 66, on interim bail.

2. The learned counsel for the petitioner would submit the petitioner submitted an application seeking premature release of his son / convict prisoner under the scheme formulated by the Government in G.O.Ms.No.430, Home (Prison-IV) Department dated 11.08.2023. The said application was scrutinised and processed by the Government. Thereafter, the -Government passed a rejection order in G.O.(D).No.286, Home (Prison-IV) Department dated 07.03.2024 and hence, 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 son / 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.286, Home (Prison-IV) Department dated 07.03.2024 of the premature release of the petitioner *vide* order dated 02.09.2024 in W.P.No.11297 of 2024 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 son on the following conditions;

- (1) The petitioner's son/Convict Prisoner viz., Vijayababu S/o. Selvam, , Convict No. 2638 confined at 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 Superintendent, Central Prison, Puzhal, Chennai.
- (2) The petitioner's son / 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.



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(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 02.09.2024 in W.P.No.11297 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

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



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