



WEB COPY



W.P.No.33621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM  
AND  
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

**W.P.No.33621 of 2024**

E.Kalaiyarasi

...

Petitioner

Vs

1 The State Rep by its,  
The Principal Secretary to Government,  
Home (Prison -IV A) Department, Secretariat,  
Fort St. George, Chennai-600 009.

2 The Director General of Prisons,  
Gandhi Irwin Road,  
CMDA Building,  
2nd Tower, Egmore, Chennai-08.

3 The Superintendent of Prison,  
Central Prison at Palayamkottai ,  
Palayamkottai- 627 002.

...

Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India,  
praying for issuance of Writ of Mandamus directing the respondents to release  
the father of petitioner / Convict namely Mr. Eswaran @ Mareeswaran @



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Kaleeswaran S/o. Samuthira Nadar (CT NO.34) until decision taken by the 1st respondent in pursuance of the order of this Hon'ble Court in W.P. No. 25832/2024 dated 17.10.2024.

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 of Mandamus has been instituted to direct the respondents to release the father of the petitioner/Convict prisoner, namely Mr. Eswaran @ Mareeswaran @ Kaleeswaran S/o. Samuthira Nadar (CT No.34) until decision taken by the 1st respondent in pursuance of the order of this Court in W.P. No. 25832 of 2024 dated 17.10.2024.

2. The learned counsel for the petitioner would submit that the petitioner submitted an application seeking premature release of her father/convict prisoner under the scheme formulated by the Government in G.O.Ms.No.430, Home (Prison-IV) Department dated 11.08.2023. Since the Government passed a rejection order in G.O.(D).No.290, Home (Prison-IV) Department, dated



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07.03.2024, she filed a writ of Certiorarified Mandamas to quash the same and seeks for premature release in W.P.No.25832 of 2024 and this Court vide its order dated 17.10.2024 quashed the same and remanded the matter back to the first respondent for re-circulation and for taking fresh decision. Hence, seeks to release her father/convict prisoner until the decision taken by the first respondent.

3. The learned State Public Prosecutor appearing for the respondents has no serious objection to grant interim bail to the petitioner's father/convict prisoner.

4. In view of the fact that we have set aside the rejection order of the premature release of the petitioner's father/convict prisoner 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.

5. Considering the facts and circumstances, this Court is inclined to grant Interim Bail on conditions that:

(i) The petitioner's father/Convict Prisoner, viz., Mr. Eswaran @



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Mareeswaran @ Kaleeswaran S/o. Samuthira Nadar (CT No.34), confined at Central Prison, Palayamkottai, 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, Palayamkottai .

(ii) The petitioner's father/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's father/convict prisoner in pursuant to the orders of this Court dated 17.10.2024 in W.P.No.25832 of 2024.

6. With the above directions, this Writ Petition stands disposed of. No costs.

[S.M.S., J.]

[M.J.R., J.]

14.11.2024

Index: Yes/No

Speaking/Non-speaking order

*mrp*



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To

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4. The Public Prosecutor, Madras High Court.



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**S.M.SUBRAMANIAM, J.**  
**AND**  
**M.JOTHIRAMAN, J.**

*mrp*

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