



WEB COPY



W.P.No.32498 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.32498 of 2024

Raja Mohamed

... Petitioner

Vs.

1. The State represented by its,
The Principal Secretary (Prison - IV),
Home 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 Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of mandamus, direction to the respondents to release the brother of petitioner/convict namely Mr.Sabeer Ahamed S/o. Sheikh Oli (CT No.4117) on interim bail until decision taken by the 1st respondent in pursuance of the order of this Court in W.P.No.35829/2023 dated 09.09.2024.



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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 release the petitioner's brother/Convict prisoner viz., Sabeer Ahamed S/o. Sheikh Oli, bearing CT.No.4117 on interim bail until a decision is taken by the first respondent in pursuance to the order of this Court passed in W.P.No.35829 of 2023 dated 09.09.2024.

2. The learned counsel for the petitioner would submit the petitioner submitted an application seeking premature release of his brother / 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.1121, Home (Prison-IV) Department dated 25.09.2023 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 brother / 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.1121, Home (Prison-IV) Department dated 25.09.2023 of the premature release of the petitioner *vide* order dated 09.09.2024 passed in W.P.No.35829 of 2023 and remanded back 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 brother on the following conditions;

- (1) The petitioner's brother/Convict Prisoner viz., Sabeer Ahamed S/o. Sheikh Oli, bearing CT.No.4117 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 Superintendent, Central Prison, Palayamkottai.
- (2) The petitioner's brother / 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 09.09.2024 in W.P.No.35829 of 2023.

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

[S.M.S., J.]

[V.S.G., J.]

29.10.2024

Index: Yes/No

Speaking/Non-speaking order

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To

1. The Principal Secretary (Prison - IV),
Home 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.
4. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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