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W.M.P.No.35282 of 2024
in W.P.No.32483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

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

W.M.P.No.35282 of 2024
in
W.P.No.32483 of 2024

Mr.John Basha

... Petitioner

Vs.

1.The State Represented by its,
The Principal Secretary to Government,
Home (Prison-IVA) 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 Vellore,
Thorapadi, Vellore – 627 002.

... Respondents

Prayer: Writ Miscellaneous Petition filed under Article 226 of the
Constitution of India, to direct the respondents to grant an interim bail to the



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convict / petitioner namely Mr.John Basha S/o.Khadar Basha (CT.No.2414).

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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 interim bail to the convict prisoner / petitioner namely Mr.John Basha S/o.Khadar Basha (CT.No.2414), who is confined at Central Prison, Vellore.

2. The learned counsel for the petitioner would submit that the petitioner/convict prisoner submitted an application seeking premature release under the scheme formulated by the Government in G.O.Ms.No.488, Home (Prison-IV) Department, dated 15.11.2021. The application was scrutinized and processed by the Government, but was rejected through G.O.(D).No.1225, Home (Prison-IVA) Department, dated 25.10.2023. Hence, the petitioner seeks 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.1225, dated 25.10.2023 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 has completed 14 years of imprisonment, 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. John Basha, S/o. Khader Basha, bearing Convict No. 2414, now confined at Central Prison, Thorapadi, Vellore 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, Vellore, Vellore District.

(2) The petitioner / convict prisoner will not leave the State of Tamil



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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 20.11.2024 in W.P.No.32483 of 2024.

6. Accordingly, this Writ Miscellaneous Petition stands allowed.

[S.M.S., J.] [M.J.R., J.]
20.11.2024
(2/2)

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

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To

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1. The Principal Secretary to Government,
The State,
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Chennai – 600 009.
2. The Director General of Prisons,
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Madras High Court.



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AND
M.JOTHIRAMAN, J.

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