



WEB COPY



W.P.No.34984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM :

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

W.P.No.34984 of 2024

Mohamed Sirajutheen

... Petitioner

Vs.

1. The Union of India rep. by
The Inspector of Police,
National Investigation Agency,
Chennai Branch.

2. The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2. The Superintendent of Prison,
Central Prison, Puzhal-I,
Chennai.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to release the petitioner's brother-in-law, namely, S.Syed Ishaq, S/o. Sultan Mohammed, aged about 39 years, now confined in the Central Prison, Puzhal on interim bail for a period of 15 days.

For Petitioner

: Mr. I.Abdul Basith



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For Respondents

: Mr.R. Karthikeyan,
Special Public Prosecutor,
for NIA (for R1)

: Mr.R.Muniyapparaj,
Additional Public Prosecutor
for R2 & R3

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 petitioner's brother-in-law, Mr.S.Syed Ishaaq, S/o. Sultan Mohammed, aged about 39 years, presently confined in the Central Prison, Puzhal, to grant interim bail for a period of 15 days.

2. The brother-in-law of the petitioner was arrested on 22.09.2022 in connection with NIA case registered in R.C.No.42/2022/NIA/DLI dated 19.09.2022. He has been arrayed as 5th accused. The National Investigation Agency filed charge sheet and the case is taken up for file by the learned Special Judge, Special Court under NIA Cases in Spl.S.C.No.1 of 2022.

3. The petitioner's paternal grandmother, Mrs.Haleemammaal, W/o. Syed Ibrahim, died on 17.11.2024 at 9.30 p.m. She passed away due to old age and



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funeral was made on 18.11.2024. The 3rd day fatiha has been fixed by the Family members on 20.11.2024. The 7th fatiha is fixed on 24.11.2024.

4. Mr. I. Abdul Basith, learned counsel for the petitioner would submit that the prisoner may be granted interim bail enabling him to participate in the fithiha scheduled to be held on 20.11.2024 and 24.11.2024.

5. Mr. R. Karthikeyan, learned Special Public Prosecutor, appearing for the first respondent, would submit that interim bail may be granted with condition that the prisoner should not speak with any third person and he should confine his discussions only with the relatives. It is further contended that the interim bail may be considered with police protection.

6. Considering the fact that the paternal grand mother of the prisoner died and the 3rd fatiha and 7th fatiha are already fixed by the family members on 20.11.2024 and 24.11.2024 respectively we are inclined to grant interim bail to the prisoner, Mr.S.Syed Ishaq, S/o. Sultan Mohammed, aged about 39 years, now confined in the Central Prison, Puzhal with escort for a period of **7 days** and the period of interim bail would **commence from 19.11.2024 and will end on 25.11.2024** on the following conditions:-



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(i) the prisoner shall be taken to the address provided, i.e., No.516, Thazhai Street, Gomathipuram, 6th Main Road, Madurai 625 020, with the assistance of the police escort.

(ii) during the period of interim bail, the petitioner shall reside only at No.516, Thazhai Street, Gomathipuram, 6th Main Road, Madurai 625 020.

(iii) the police escort is directed to be provided throughout.

(iv) the prisoner shall talk with his relatives, but not with any third parties nor he shall make any unnecessary speeches during the course of the period of interim bail.

(v) the prisoner shall be surrendered before the Jail Authorities at 5.30 pm., on 25.11.2024.

(vi) The prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

7. Accordingly, the writ petition stands allowed. No Costs.

[S.M.S., J.]

[M.J.R., J.]

19.11.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

Note : Registry is directed to communicate the mail to the concerned Jail Authorities immediately and issue order copy today.



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To

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Chennai Branch.
2. The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
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3. The Superintendent of Prison,
Central Prison, Puzhal-I,
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4. The Public Prosecutor,
High Court of Madras.



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