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W.M.P.No.38393 of 2024
in W.P.No.32131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

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

W.M.P.No.38393 of 2024
in
W.P.No.32131 of 2023

Mrs.Najeena
W/o.Thajudheen

... Petitioner

Vs.

1.The State Represented by its,
The Home Secretary,
Prison Department (IV), St.George Fort,
Secretariat,
Chennai – 600 009.

2.The Director General of Prisons,
Office of Director General of Prison,
Gandhi Irwin Road, CMDA Building,
Chennai – 600 008.

3.The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison at Coimbatore,
Coimbatore – 641 018.

Respondents

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Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, prayed for a direction to extension of interim bail in W.M.P.No.26822 of 2044 order dated 02.09.2024 until decision taken by the 1st respondent to the Husband of Petitioner/convict Mr.Thajudheen, S/o.Abdul Gani (CT No.10662) aged about 62 years and may pass further or other order may deem fit and necessary and thus render justice.

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 instituted, seeking extension of interim bail granted in W.M.P.No.26822 of 2024 dated 02.09.2024.

2. The husband of the petitioner/convict prisoner was arrested in connection with Crime No.151 of 1998. The Criminal Case ended in conviction and the husband of the petitioner was sentenced to undergo life imprisonment. He was in actual imprisonment for about 25 years. An application, seeking premature release was filed and the same was rejected by



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the Government.

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3. The Government *suo motu* initiated action to revisit the decision earlier taken and the learned Additional Public Prosecutor for the respondents would submit that the files are under consideration.

4. Since the application seeking premature release is under consideration and this Court has already granted an interim bail, it is relevant to consider the report of the Probation officer. The Probation officer in his report dated 02.12.2024, has stated that the Prisoner is maintaining good conduct and even while conducting enquiry with the Police Station, it is found that he has not involved in any commission of offence or otherwise.

5. Considering the report of the Probation officer and taking note of the fact that the Government has *suo motu* initiated action to revisit their earlier decision for premature release of the prisoner, we are inclined to extend the Interim Bail to the Convict Prisoner / Mr.Thajudheen, S/o.Abdul Gani (CT No.10662), aged about 62 years, until a decision is taken by the Government and an order is passed on the application submitted by the petitioner



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regarding premature release of the Convict Prisoner, on the same condition as imposed in W.M.P.No.31718 of 2023 dated 09.11.2023. However, this interim bail is subject to the final orders to be passed by the Government already pending on the file. In case, if there is any non-compliance of the conditions by the husband of the petitioner/convict prisoner, the respondents are at liberty to approach this Court, seeking cancellation of interim bail granted.

6. Accordingly, this Writ Miscellaneous Petition stands ordered.

[S.M.S., J.] [M.J.R., J.]
03.12.2024

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

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To
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- 1.The Sessions Court
at Bomb Blast cases,
Coimbatore.
- 2.The Home Secretary,
Prison Department (IV), St.George Fort,
Secretariat,
Chennai – 600 009.
- 3.The Director General of Prisons,
Office of Director General of Prison,
Gandhi Irwin Road, CMDA Building,
Chennai – 600 008.
- 4.The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison at Coimbatore,
Coimbatore – 641 018.
- 5.The Additional Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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