



W.M.P.No.34753 of 2023
in W.P.No.34772 of 2023

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

[Order of the Court was made by *M.S.RAMESH, J.*]

Today, this matter is listed under the caption “for being mentioned”.

2.On consideration of the submission made, the name of the petitioner in the cause title of the earlier order of this Court dated 06.02.2024 passed in W.M.P.No.34753 of 2023 shall be replaced as "*M.Thulasidevi*" instead of "*M.Thulasi*". The satisfaction Court mentioned in the 8th line of paragraph 7(i) shall be replaced as "*XIV Metropolitan Magistrate Court, Egmore, Chennai*" instead of "*Metropolitan Magistrate Court, Egmore, Chennai*". Further, the police station mentioned in the 2nd line of Paragraph 7(ii), shall stand replaced as "*J-4 Kotturpuram Police Station*" instead of "*(Edappadi Police Station, Salem District).*"

3.All other findings and observations made in the earlier order dated 06.02.2024, shall remain intact.

[M.S.R., J] [S.M., J]
15.02.2024

(Note: Registry is directed to carryout the above corrections and issue revised order copy to those concerned.)

Anu



WEB COPY



M.S.RAMESH
AND
SUNDER MOHAN, J.

W.M.P.No.34753 of 2023
in W.P.No.34772 of 2023

15.02.2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS



DATED : 06.02.2024

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.M.P.No.34753 of 2023
in W.P.No.34772 of 2023

M. Thulasi

... Petitioner

Vs.

The State Represented by its

1.The Secretary to Government,
Home Department,
Fort St. George, Chennai – 600 009.

2.The Superintendent,
Central Prison Puzhal – I,
Puzhal, Chennai.

... Respondents

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to issue a direction to the respondents to release the detainee Mohan @ Auto Mohan, S/o.Thangaraj, aged about 66 years, Convict No.7505 is a life convict prisoner, confined at Central Prison, Puzhal – I, Chennai, on interim bail until the disposal of the Writ Petition.

For Petitioner : Mr.S. Manoharan

For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER



(Order of the Court was made by *M.S.RAMESH, J.*)

WEB COPY

This Writ Miscellaneous Petition has been filed by the petitioner, who is the wife of the life convict prisoner namely Mohan @ Auto Mohan, S/o.Thangaraj, aged about 66 years, seeking for interim bail for her husband, until disposal of the Writ Petition.

2. In the Writ Petition, the petitioner has challenged the order of rejection of a request to release her husband prematurely.

3. The learned counsel for the petitioner submitted that the reason assigned in the impugned order by placing reliance on Section 224 of IPC, for conviction which was awarded in the year 1990, cannot be illegally sustained in view of the various decisions of the Co-ordinate Bench of this Court. The learned counsel further submitted that 5 co-accused have been prematurely released in the year 1998 itself and the petitioner's husband had been in incarceration for nearly 35 years.

4. The learned Additional Public Prosecutor submitted that the request of the petitioner for premature release of her husband is under active consideration by the Government under G.O.Ms.No.430 dated 11.08.2023.



WEB COPY

5. On a *prima facie* view, the reason assigned in the impugned order, for rejection of the plea of a premature release, cannot be legally sustainable since the conviction under Section 224 of IPC, was way back on 20.08.1990 which cannot be cited as a reason. This apart, it is stated by the learned counsel for the petitioner that 5 co-accused have been prematurely released in the year 1998 itself.

6. By taking into consideration the long period of incarceration and the fact that the reconsideration by the Government may take time, we are inclined to grant interim bail for a period of one month.

7. Accordingly, the interim bail is granted to the petitioner's husband, subject to the following conditions :

- i. The prison inmate, namely, Mohan @ Auto Mohan, S/o.Thangaraj, aged about 66 years, Convict No.7505, who is now confined in Central Prison, Puzhal – I, Chennai, shall be released as an interim measure for a period of one month subject to his furnishing bail bonds of value of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Metropolitan



WEB COPY



Magistrate Court, Egmore, Chennai;

- ii. Prison inmate is directed to report once in a week (every Monday) to the local Police Station (Edappadi Police Station, Salem District). The State authorities shall submit a report with regard to the conduct of the prison inmate before expiry of the period of one month. Prison inmate 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.

8. Accordingly, this Writ Miscellaneous Petition is allowed.

9. Post the Writ Petition on 01.03.2024.

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

06.02.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Sni

Note: Issue Order Copy on 09.02.2024.

To

1. The Secretary to Government,
Home Department,



Fort St. George, Chennai – 600 009.

2.The Superintendent,
Central Prison Puzhal – I,
Puzhal, Chennai.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



WEB COPY



M.S.RAMESH
and
SUNDER MOHAN, J.

Sni

W.M.P.No.34753 of 2023
in W.P.No.34772 of 2023

06.02.2024