



W.P(MD) No.20146 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 30.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD) No.20146 of 2024

Amaravathy

... Petitioner

Vs

1.The State of Tamil Nadu represented by its,
The Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai - 625 016.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli - 627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to grant ordinary leave for 40 days without escort to



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petitioner's husband, the prisoner, Paulraj, S/o.Aaththi, detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

The Writ Petition has been filed seeking leave for a period of 40 days for her husband, Paulraj who is undergoing imprisonment at Central Prison, Palayamkottai. He had been convicted and sentenced to undergo 10 years rigorous imprisonment and to pay a fine Rs.2,000/- in default to undergo rigorous imprisonment for one month for offence under Section 5(1) r/w 6 of POCSO Act by the Sessions Court, Fast Track Mahila Court, Thoothukudi, in Spl.S.C.Nos.3 and 4 of 2014 by judgment, dated 06.07.2015.

2. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor had sought time for the officials to pass orders on the representation given by the petitioner herein.



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3. We are today presented with the order which had been passed by the first respondent vide proceedings, dated 29.08.2024 in No.501/உத.2/2024. The first respondent had granted 28 days ordinary leave for the husband of the petitioner with a condition to execute own bond for Rs.500/- and produce two sureties for Rs.500/- each.

4. We had already observed in yet another case that this bond of Rs.500/- should be restricted to what it signifies namely, Rs.500/- and nothing more and nothing less. Even cash surety can be produced for that amount. We make that particular clarification. The number of 28 days ordinary leave would begin from the date on which the petitioner begins to avail that particular ordinary leave.

5. Accordingly, the Writ Petition stands disposed of.

(C.V.K., J.) (J.S.N.P, J.)
30.08.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

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State of Tamil Nadu
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2. The Superintendent of Prison,
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Tirunelveli - 627 002.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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