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W.M.P.No.6021 of 2025 in W.P.No.5469 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.M.P.No.6021 of 2025
in W.P.No.5469 of 2025

Sankar @ Jaisankar

... Petitioner

Vs.

1.Union Territory of Puducherry,
Rep. by its Chief Secretary,
Puducherry.

2.Union Territory of Puducherry,
Rep. by its Home Secretary,
Puducherry.

3.The Inspector General of Prison,
Puducherry.

4.The Chief Superintendent of Jails,
Puducherry.

5.The Superintendent,
Central Prison, Kalapet,
Puducherry.



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6.The Inspector of Police,
Mudaliarpet Police Station,
Pondicherry.
Cr.No.101 of 2004

... Respondents

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to grant interim bail to the petitioner namely Sankar @ Jaisankar (Convict No.3135), S/o.Mani, lodged at 5th respondent prison who undergoing the life imprisonment, pending disposal of the above writ petition.

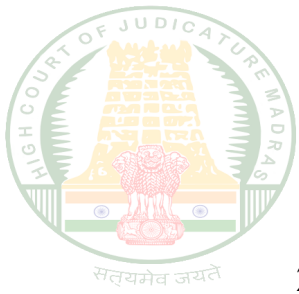
For Petitioner : Mr.V.Elangovan

For Respondents : Mr.M.V.Ramachandramurthy,
Additional Public Prosecutor (Puducherry)
assisted by Mr.A.Alexander,
Government Advocate

ORDER

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

This Writ Miscellaneous Petition has been filed seeking to grant interim bail to the petitioner, who is undergoing life imprisonment at 5th respondent prison, pending disposal of the writ petition.



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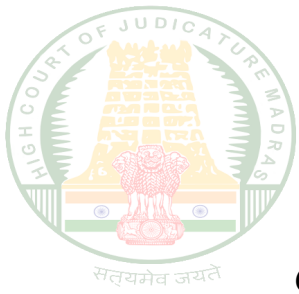
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2. When the petitioner herein, who is under incarceration for about 25 years, has sought for premature release, the Government of Puducherry had rejected his plea on the ground that the petitioner was involved in a serious crime of exceptional violence.

3. Though prior opportunities were given to the respondents, they are yet to file their counter-affidavit.

4. It is stated by the learned counsel for the petitioner that all the authorities have favourably recommended premature release of the petitioner and the Government alone has rejected it.

5. The Hon'ble Supreme Court of India in the case of '*Shor Vs. State of Uttar Pradesh & another*' reported in '*2020 SCC OnLine SC 626*', while dealing with the grant of premature release of a life convict prisoner, had held that, merely repeating the fact that the crime is heinous and that the release of such prisoner would send a negative message against the justice system in the society and will not alone be a factor for rejection.



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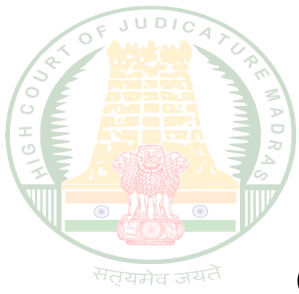
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6. This apart, we have also taken note of premature release granted to the co-accused, based on certain orders passed by the Hon'ble Supreme Court of India.

7. In view of the above, we are inclined to grant interim bail to the petitioner/life convict for a period of three months.

8. Accordingly, the interim bail is granted to the petitioner/life convict, subject to the following conditions :

(i) The petitioner/life convict, namely Sankar @ Jaisankar, S/o.Mani, Convict No.3135, who is now confined in Central Prison, Kalapet, Puducherry, shall be released as an interim measure for a period of three (3) months commencing from **29.03.2025 till 26.06.2025**, subject to his furnishing bail bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the II Additional Sessions Judge, Puducherry;



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(ii) The petitioner/life convict is directed to report once in a week (every Monday) to the local Police Station i.e. Mudaliarpet Police Station, Pondicherry. The State authorities shall submit a report with regard to the conduct of the life convict before expiry of the period of three months. Life convict 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.

9. Accordingly, this Writ Miscellaneous Petition is allowed.

10. Post the Writ Petition on 23.06.2025.

[M.S.R, J.]

[N.S, J.]

28.03.2025

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Note: Issue Order Copy today



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M.S.RAMESH, J.
and
N. SENTHILKUMAR, J.

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To

1.The Chief Secretary to Union Territory of Puducherry,
Puducherry.

2.The Home Secretary to Union Territory of Puducherry,
Puducherry.

3.The Inspector General of Prison, Puducherry.

4.The Chief Superintendent of Jails, Puducherry.

5.The Superintendent,
Central Prison, Kalapet, Puducherry.

6.The Inspector of Police,
Mudaliarpet Police Station, Pondicherry.

7.The II Additional Sessions Judge, Puducherry.

8.The Public Prosecutor,
High Court, Madras.

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