



W.P.No.34159 of 2024  
and W.M.P.Nos.36978 and 36979 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH  
AND  
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No.34159 of 2024  
and W.M.P.Nos.36978 and 36979 of 2024

Durga Devi

... Petitioner

*Vs.*

1.The State of Tamilnadu, Rep. by  
The Principal Secretary to Government  
Home (Prison-IV) Department  
Fort St.George  
Chennai – 600 009.

2.The Additional Director General of Police  
/ Inspector General of Prisons  
Thalamuthu Natarajan Maaligai  
2nd Floor, Gandhi Irwin Road  
Egmore, Chennai

3.The Superintendent of Prison  
Cuddalore Central Prison  
Cuddalore District

... Respondents



W.P.No.34159 of 2024  
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**Prayer:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order G.O.(D).No.840 dated 03.07.2024 issued by the respondent No.1 and quash the same as illegal, consequently, direct the respondents to release the petitioner's husband by name R.Palanisamy (Convict No.16133) son of Rajan, aged about 55 years now lodged and confined at Central Prison, Cuddalore who have completed more than 20 years and 6 months of actual sentence on the basis of the Rule 341(2) of the Tamil Nadu Prison Rule 1983 and on the basis of G.O.(Ms).No.430 (Home Prison-IV Department) dated 11.08.2023 in accordance with law and within the time stipulation as prescribed by this Court.

For Petitioner : Mr.G.Prabhakaran

For Respondents : Mr.E.Raj Thilak,  
Additional Public Prosecutor

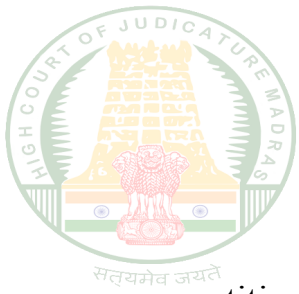
### ORDER

M.S.RAMESH, J.

and

VLAKSHMINARAYANAN, J.

The Writ Petition is filed seeking for issuance a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order G.O.(D).No.840 dated 03.07.2024 issued by the respondent No.1 and quash the same as illegal, consequently, direct the respondents to release the

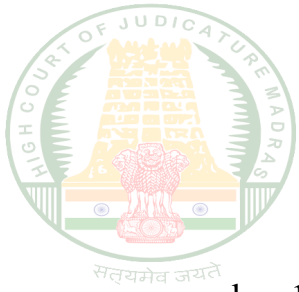


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petitioner's husband by name R.Palanisamy (Convict No.16133) son of Rajan, aged about 55 years now lodged and confined at Central Prison, Cuddalore who have completed more than 20 years and 6 months of actual sentence on the basis of the Rule 341(2) of the Tamil Nadu Prison Rule 1983 and on the basis of G.O.(Ms).No.430 (Home Prison-IV Department) dated 11.08.2023 in accordance with law and within the time stipulation as prescribed by this Court.

2.The life convict's request for premature release was rejected by the 1st respondent on three grounds, firstly, he was convicted under the provisions of Explosive Substances Act, 1908, which is a bar under G.O.(Ms).No.64, Home (Prison-IV) Department, dated 01.02.2018 as amended in G.O.(Ms).No.302, Home (Prison-IV) Department, dated 03.05.2018. The second reason assigned is also for his involvement in the offence U/s.392 r/w 397 I.P.C. which is prohibited under G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021 as amended in G.O.(Ms).No.508, Home (Prison-IV) Department, dated 18.11.2021. Likewise, he was involved in a pending case under the provisions of Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System)

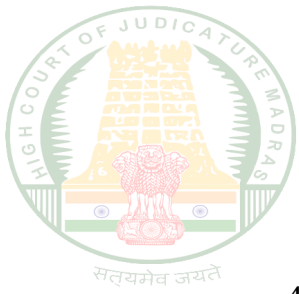


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order, 1982 r/w 7(1)(a)(ii) Essential Commodities Act, 1955 r/w Section 9 B(1)(b) 5 and 6 of Explosive Substances Act, 1908 in the Trial of Bomb Blast Case, hence, he was considered ineligible for premature release.

3.Learned counsel for the petitioner would submit that insofar as his involvement in the offence under Explosive Substances Act is concerned, he had already undergone his imprisonment for the sentence imposed for the said offence. When that being so, the respondents may not be justified in placing reliance on his conviction for the said offence, in view of this Court's earlier orders in W.P.No.10487 of 2020 dated 04.07.2024, W.P.No.16516 of 2024, dated 21.10.2024 and W.P.No.29697 of 2024 dated 25.10.2024. Similarly, sentence imposed for his conviction U/s.392 r/w 397 I.P.C has also undergone by him. Likewise, for his conviction under the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) order, 1982 r/w 7(1)(a)(ii) Essential Commodities Act, 1955 r/w Section 9 B(1)(b) 5 and 6 of Explosive Substances Act, 1908. In the light of the earlier orders of this Court, the reasons assigned in the rejection order in G.O.D.No.840 dated 03.07.2024 may have to be revisited.



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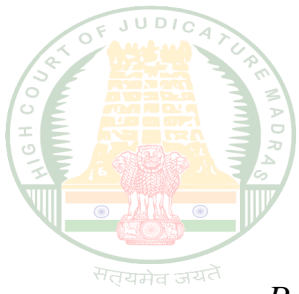
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4. Accordingly, the impugned order passed by the 1st respondent in G.O.D.No.840 dated 03.07.2024 is hereby set aside. The matter is remitted back to the 1st respondent for re-consideration. The 1st respondent while re-considering, shall consider the observations made in the present order and pass final orders in accordance with law, atleast within a period of three (3) months from the date of receipt of a copy of this order.

5. Till such time, this Court grants interim bail to the Convict Prisoner viz. R.Palanisamy, S/o.Rajan, aged about 55 years, Convict No.16133, confined at Central Prison, Cuddalore, subject to the following conditions:

*(i) The Prisoner viz. R.Palanisamy, S/o.Rajan, aged about 55 years, Convict No.16133, confined at Central Prison, Cuddalore, shall be released on interim bail, on his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the Jail Superintendent, Central Prison, Cuddalore, until further orders;*

*(ii) The Prisoner is directed to report on any day during the 1<sup>st</sup> week of every English Calendar month before the Inspector of Police, Thadagam Police Station, Coimbatore. The*



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*Prisoner shall 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.*

*(iii) In case the Prisoner fails to comply with the condition imposed in Clause (ii) above, it would be open to the Jail Authorities to seek for cancellation of the interim bail, before this Court.*

6. In the result, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

[M.S.R, J.]

[V.L.N, J.]

22.08.2025

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Index: Yes

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Neutral Citation

Note: Issue Order Copy on 25.08.2025.

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4.The Inspector of Police  
Thadagam Police Station  
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5.The Public Prosecutor  
High Court of Madras  
Chennai 600 104



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