



CRL MP(MD) NO. 3483 of 2025 in

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-06-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 3483 of 2025 in

H.C.P(MD)No.260 of 2025

D.Umamaheswari
W/o.Dhanasekaran, 169/12 Gandhi Road, Sivagangai
Town, Sivagangai District.

Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu Home,
Prohibition and Excise IX,
Secretariat,
George Fort,
Chennai 600009.

2. The District Collector and District Magistrate
Sivagangai District.
Sivagangai.

3. The Superintendent
Central Prison,.
Madurai.

4. The Superintendent
District Jail,
Theni.

Respondent(s)

Prayer: This petition is filed under Section 528 of BNSS, praying to direct the 2nd respondent to temporarily discharge the petitioner's husband viz., Dhanasekaran,



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aged 37 years, S/o.Rajendran, now detained at the District Jail, Theni, in Cr.M.P.No.47/Goonda/2024, on the file of the 2nd respondent dated 12.12.2024 for the period of 7 days from 20.03.2025 to 26.03.2025 to take surgery at Preethi Multispeciality and Orthopedics Hospital, Madurai.

For Petitioner(s):

J.William Christopher
Tamilsangu.P
Jeyakumar.S

For Respondent(s):

Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble A.D.JAGADISH CHANDIRA J.)

This petition has been filed by the wife of the detainee seeking temporary discharge of her husband viz., Dhanasekaran, aged 37 years, S/o.Rajendran, who is detained in the District Jail, Theni, in Cr.M.P.No.47/Goonda/2024, for 7 days from 20.03.2025 to 26.03.2025 to undergo surgery.

2.It is the case of the petitioner that her husband was detained at District Jail, Theni, under Act 14 of 1982 and that at the time of arrest in the ground case, her husband sustained a fracture in the ankle of his right leg and got admitted in the Government Rajaji Hospital, Madurai, and later he was discharged and sent to prison. The petitioner's husband had not undergone surgery, since it is a



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complicated one and thereby the present application has been filed seeking to temporarily discharge her husband to get admission in a private hospital and to undergo surgery.

3.This Court, vide order dated 25.03.2025, had called for the production of opinion from Preethi Speciality Hospital, Madurai.

4.When the matter was listed on 09.06.2025, this Court directed the respondent police to obtain opinion from two private hospitals of the petitioner's choice viz., the Preethi Speciality Hospital, Madurai and Velammal Medical College Hospital and Research Institute, Madurai.

5.Today a report was filed by one S.Annaraj, Inspector of Police, Sivagangai Town Police Station along with a medical opinion given by the Velammal Medical College Hospital and Research Institute, Madurai and the Preethi Speciality Hospital, Madurai.

6. A Senior Consultant, at Preethi Speciality Hospital, Madurai, submitted that the patient was not produced in person and had given an inconclusive report, whereas, the Velammal Medical College Hospital and Research Institute, Madurai, has given a report dated 10.06.2025 wherein they have stated that the period of hospitalization varies depending on type of surgery and Physiotherapy. Generally for non-union, he needs hospitalization for 15 - 20 days for surgery, physion,



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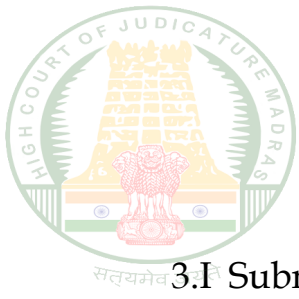
antibiotics and suture removal and that the hospital has the facilities needed for
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treating this problem.

7.The learned Additional Public Prosecutor appearing for the respondents submitted that the detainee is a gangster and an active 'A' category accused and a history sheeter in HS No.954 of 2023 and that if the detainee is admitted in a private hospital, there are more chances of his associates visiting him in the hospital and thereby to lead underground activities and he will pose a threat to the society.

8.In reply, the learned counsel appearing for the petitioner would submit that the detainee has filed an affidavit petition to abide any condition may be imposed by this Court, even on him permit to undergo surgery in a private hospital. The affidavit of the petitioner is extracted hereunder:

“1.I respectfully submit that I am the detainee therein. My wife Umamaheswari has filed the main Habeas Corpus Petition challenging my detention order in Cr.M.P.No.47/Goonda/2024, dated 12.12.2024 passed by the 2nd respondent herein.

2.I submit that my wife has also filed a criminal miscellaneous petition seeking my temporary discharge to undergo open deduction and internal fixation surgery on my right ankle at Preethi Multispeciality and Orthopedics Hospital, Madurai.



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3.I Submit that I undertake to strictly comply with all the conditions imposed by this Court for my temporary discharge.

4.I undertake to keep only one attendant during my hospitalization.

5.I shall not use any mobile phone during my hospitalization.

6.I shall not take any communication with any person except my attendant during my hospitalization.

7.I shall not involve in any adverse activities during my hospitalization.

8.I shall co-operate with the hospital authorities in all respect."

9.This Court had perused the entire records.

10.Taking into considering the submission made on either side, we direct the second respondent to temporarily release the detainee forthwith . The Doctor shall fix the date of surgery and intimate the Jail Authorities and on such intimation, the detainee shall be temporarily released to undergo surgery at Velammal Medical College Hospital and Research Institute, Madurai, and during such period, there shall be sufficient required escorts on duty and the expenses of the escort shall be borne either by the petitioner or the detainee and during such time, the petitioner shall not permit any one else other than the named attender who will be within and he will not permit to use any mobile during such time and contact either about his discharge. It there is any violation, the Addl. Public Prosecutor is permitted to make



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a mention.

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10. List the matter after four weeks.

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16/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu Home,
Prohibition and Excise IX,
Secretariat,
George Fort,
Chennai 600009.

2. The District Collector and District Magistrate
Sivagangai District.
Sivagangai.

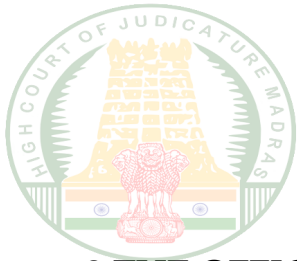
3. The Superintendent
Central Prison,.
Madurai.

4. The Superintendent
District Jail,
Theni.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

1 THE OFFICER INCHARGE,
PREETHI SPECIALITY HOSPITAL, MADURAI.



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2 THE OFFICER INCHARGE,
VELAMMAL MEDICAL COLLEGE HOSPITAL AND
RESEARCH INSTITUTE, MADURAI,

ORDER
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MK/19.06.2025 7P/8C

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