



WP CrL.(MD) No.329 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

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P.Mani

... Petitioner/
Father of the Detenu

-Vs-

The State represented by its

1.The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625 001.

2.The Superintendant,
Palayamkottai Central Prison,
palayamkottai – 627 007.

3.The Superintendant of Police,
Office of Superintendant of Police,
Nagercoil-629 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.424/Vu.Tha.2/2025, dated 23.04.2025, passed by the 1st respondent and quash the same and consequently direct the respondents to grant ordinary leave for 40 days without escort to the detenu Anbarasu, S/o.Mani,

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aged about 45 years confined at Central Prison, Palayamkottai.

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For Petitioner : M/s.A.Archana,
for Mr.S.Manoharan
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

Challenge is made to the order dated 23.04.2025 passed in No. 424/Vu.Tha.2/2025 by the first respondent rejecting the grant of 40 days ordinary leave to the petitioner's son.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a retired school teacher, aged about 80 years and suffering from cardiac problem and other old age ailments and his wife is also a retired teacher, aged about 75 years suffering from diabetes and various ailments and thereby seeking leave for their son, who has been in detention for the past 15 years. The



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first respondent by impugned order dated 23.04.2025 had rejected the request of the petitioner. Against which, the present Habeas Corpus Petition is filed.

4.The learned Additional Public Prosecutor would submit that the petitioner's son viz., Anbarasu, was initially awarded death sentence and later it has been commuted by the Hon'ble Supreme Court. The convict prisoner is in prison for more than 19 years. He would further submit that though he is eligible for leave, the Probationary Officer had not recommended the case of the convict prisoner stating that his life is on risk from the victim's family and thereby, rejecting the petitioner's request.

5.This Court had called for a report from the Inspector of Police, Eraniel. The Inspector of Police has also not recommended the release of the convict prisoner.

6.The learned counsel for the petitioner would submit that the petitioner's son is in custody for more than 19 years and he has not availed any leave so far. His parents are aged and suffering from age related ailments and since the Probationary Officer had not recommended the case of the convict prisoner stating that the convict prisoner is facing risk from the victim side, the



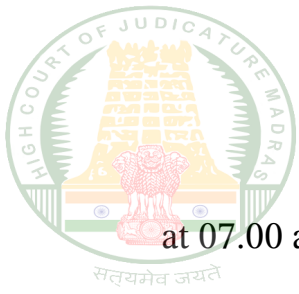
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convict prisoner had filed sworn affidavit stating that he is going on leave at his own risk and responsibility and that he will not indulge any illegal activities and he abide by any stringent condition imposed by this Court on him. He would further submit that the victim family is also living 25kms away from the residence of the petitioner.

7. Admittedly the Probationary Officer had not recommended the case of the petitioner stating that the convict prisoner faces a risk from the victim side. The convict prisoner has filed an affidavit stating that he is going on leave at his own risk. It is also stated that the victim family is living away from the place of the petitioner.

8. Taking into consideration of the facts that the petitioner has not availed leave once despite his imprisonment for more than 19 years, we direct the respondents to grant ordinary leave of 28 days to visit his aged parents suffering from ailments, without escort.

9. Accordingly, the respondents are directed to grant 28 days ordinary leave to the petitioner's son without escort. During the leave period, the convict prisoner shall appear before the Inspector of Police, Eraniel Police Station, daily



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at 07.00 a.m without fail.

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10.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] & [R.P., J.]
18.08.2025

NCC : Yes / No

Index : Yes / No

NS

To

1.The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625 001.

2.The Superintendant,
Palayamkottai Central Prison,
palayamkottai – 627 007.

3.The Superintendant of Police,
Office of Superintendant of Police,
Nagercoil-629 001.

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



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