



W.P.CRL..(MD).No.1404 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE K.K.RAMKRISHNAN**

W.P.Crl.(MD).No.1404 of 2026

Jagadish Chandra Bose Petitioner / Brother of the Convict
Prisoner

Vs.

1.The Deputy Inspector General of Prison,
O/o. the Deputy Inspector General of Prison
and Correctional Services, Madurai
Range, Madurai Central Prison Campus,
New Jail Road, Madurai District.

2.The Superintendent of Prison,
Palayamkottai Central Jail,
Tirunelveli District.

3.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanthapuram District.

4.The Inspector of Police,
O/o. the Inspector of Police,
Kenikkarai Police Station,
Ramanthapuram.

.....Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, directing the Respondents to call for the records passed by Respondent No.2 in No.5226/thku1/2026 dated 04.03.2026 and quash the same as bad in law and consequently direct the second respondent to grant emergency leave to the petitioner's brother, namely, Vicky, Vigneshwaran S/o. Boopathi (PID No.383889) for the period of 15 days without escort.

For Petitioner : Mr.G.Sujeeth

For Respondents : A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by N.ANAND VENKATESH, J.]

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 04.03.2026 made in No.5226/thku1/2026 and for a consequential direction to the second respondent to grant emergency leave to the detenu, who is the petitioner's brother, presently undergoing sentence at Central Prison, Palayamkottai.



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2. Heard the learned counsel on either side.

3. The detenu, who is the brother of the petitioner, was convicted and sentenced for the offence under the NDPS Act and the sentence was modified by this Court in Crl.A.(MD).No.94 of 2024 by judgment dated 01.02.2024, wherein, the detenu was sentenced to undergo imprisonment for five years.

4. The petitioner submitted a representation on the ground that the detenu's mother is aged about 76 years and she is suffering from serious ailment and therefore, sought for emergency leave.

5. The representation made by the petitioner came to be rejected by the second respondent through the impugned proceedings dated 04.03.2026 mainly on the ground that there are three pending cases against the detenu. Aggrieved by the same, the present writ petition has been filed before this Court.



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6. A counter-affidavit has been filed by the second respondent and the second respondent is opposing for grant of emergency leave to the detenu. It is stated that there are three pending cases against the detenu. Apart from that, even though the mother of the detenu is having health problems, she is not serious as is claimed by the petitioner.

7. This Court carefully considered the submissions made on either side and the materials available on record.

8. The detenu, who has been sentenced to imprisonment for five years, has undergone sentence for two years and nine months. It is true that there are three pending cases against the detenu. However, even according to the report of the Probation Officer, the detenu's mother is having health problems and she is a very aged lady. Therefore, we are inclined to direct the respondents to grant six days emergency leave to the detenu.

9. In the light of the above discussion, the impugned proceedings of the second respondent dated 04.03.2026 made in No.5226/thku1/2026 is



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hereby set aside. There shall be a direction to the second respondent to grant six days emergency leave to the detenu starting from 06.04.2026.

10. Considering the fact that there are pending murder cases against the detenu, it is appropriate to provide two escorts to the detenu. Hence, there shall be a direction to the third respondent, namely, the Superintendent of Police, Ramanathapuram District, to provide two escorts to the detenu during the entire period of six days emergency leave. Apart from that, the detenu is permitted to execute the sureties before the Superintendent of Prison, Central Prison, Palayamkottai, instead of executing the sureties before the Tahsildar and two sureties shall be the family members of the detenu. The other conditions imposed by the second respondent shall stand as it is. The costs shall be borne out by the petitioner.

11. This Writ Petition (Criminal) is disposed of in the above terms.

[N.A.V., J.] & [K.K.R.K., J.]
26.03.2026

NCC : Yes / No
Index : Yes / No
TSG



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



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