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WMP.No.30083/2023 in WP.No.30464/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

WMP.No.30083/2023 in WP.No.30464/2023

B.Mubeena

... Petitioner

Vs.

The State represented by

1.The Additional Chief Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai – 600 009.

2.The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.

... Respondents

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India directing the respondents to release the detenu S.A.Basha S/o.Abdul Rahman, aged about 83 years, Convict No.3244, detained at Central Prison, Coimbatore, on interim bail until the disposal of the writ petition.



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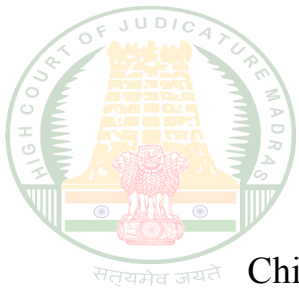
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For Petitioner : Mr.S.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

[Order of the Court was made by S.S. SUNDAR, J.]

- (1)The Writ Miscellaneous Petition has been filed by the writ petitioner, daughter of the detenu S.A.Basha S/o.Abdul Rahman, aged about 83 years, Convict No.3244, seeking interim bail to the detenu, until the disposal of the writ petition.
- (2)In the above Miscellaneous Petition, the petitioner has prayed for premature release of her father. However, it is stated that the petitioners' request for premature release is pending before the Hon'ble Governor.
- (3)The learned Additional Public Prosecutor, on instructions, submitted that the earlier case in W.M.P.No.27482 of 2023 in W.P.No.16127 of 2020 as well the present case, do not fall under the Advisory Board Scheme. It is also stated that, on the basis of the report of Hon'ble Mr.Justice N.Authinathan Committee, orders have been obtained from the Hon'ble



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Chief Minister of Tamil Nadu and it is now pending before the Hon'ble Governor for approval. Recording the facts relating to the decision of the State Government, the previous Bench of this Court, in several other cases, taking note of the fact that the matter relating to premature release is now pending before the Hon'ble Governor and also taking note of the fact that the petitioners therein are in prison for more than 23 years, has granted interim bail to the petitioners therein subject to conditions. He also submitted that the detenu is bedridden and is now taking treatment in Coimbatore Medical College Hospital. Hence, he has no serious objections for passing similar orders subject to same conditions.

(4) In view of the factual matrix, this Court is inclined to grant interim bail to the detenu, S.A.Basha S/o.Abdul Rahman, aged about 83 years, Convict No.3244, subject to the following conditions :

- i. The prison inmate, namely, S.A.Basha S/o.Abdul Rahman, aged about 83 years, Convict No.3244, who is now confined at Central Prison, Coimbatore-18, and taking treatment in Coimbatore Medical College Hospital, Coimbatore, shall be released as an **interim measure** for a period of three months subject to his execution of personal bond of



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value of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the Trial Court [The Additional District and Sessions Judge, Fast Track Court-III, Coimbatore].

- ii. Since the Prison inmate is taking treatment for his illness, the **reporting** of the detenu **before the Local Police Station** is **dispensed with for the present**. The State authorities shall submit a report with regard to the conduct of the prison inmate before expiry of the period of three months. Prison inmate 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.

(5)Accordingly, the Writ Miscellaneous Petition is **ordered**.

[SSSRJ] [SMJ]
18.10.2023

AP

Internet : Yes

NOTE:Issue order copy today [18.10.2023]

To



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1. The Additional District and Sessions Judge,
Fast Track Court-III, Coimbatore.
2. The Additional Chief Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai – 600 009.
3. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

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