



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 13668 OF 2026 (GM-POLICE)

BETWEEN:

SRI. DARSHAN R
S/O RAJESH M
AGED 28 YEARS,
R/AT NO. 8009,
POSHITH NILAYA, II PHASE,
VIJAYANAGARA IV STAGE
MYSURU, KARNATAKA - 570 032

...PETITIONER

(BY SRI. VIJAYA PRASSAD, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE DIRECTOR GENERAL OF POLICE
PRISONS AND CORRECTIONAL SERVICES
NO. 9, SHESHADRI ROAD, GANDHI NAGAR
BENGALURU - 560 009.
3. THE CHIEF SUPERINTENDENT
CENTRAL PRISON MYSURU,
ASHOKA ROAD, NEAR FOUNTAIN CIRCLE,

Digitally signed
by NAGARAJA
B M

Location: HIGH
COURT OF
KARNATAKA



MYSURU - 560 100.

...RESPONDENTS

(BY SRI. K.P. YOGANNA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DIRECTION IN THE NATURE OF MANDAMUS TO THE RESPONDENTS TO GRANT PAROLE OF 90 DAYS TO THE CONVICT SRI RAJESH M S/O LATE MADAYYA (CTP NO. 19014).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The convict's son has filed the captioned petition seeking direction in the nature of mandamus against the respondents to grant parole of 90 days to the convict Rajesh M s/o late Madayya (CTP No.19014)

2. Heard learned counsel for the petitioner and learned AGA.

3. The captioned writ petition is instituted by the son of the convict, calling in question the action of the



respondent-authorities in rejecting the application seeking grant of parole. The petitioner seeks issuance of a writ of mandamus directing the respondents to enlarge the convict on general parole. The records placed before this Court would indicate that the convict has undergone incarceration for a period of nearly nine (9) years. It is also not in dispute that the last spell of parole was availed by the convict in the year 2022. Significantly, the material on record does not disclose any instance of misconduct, indiscipline, or violation of conditions during the earlier period of release or during incarceration.

4. Per contra, the Superintendent of Police, Mysuru, has submitted an adverse report opposing the grant of parole on the premise that certain civil disputes are pending between the family members and that the release of the convict may precipitate a law and order situation, possibly leading to a scuffle between rival factions. This Court has carefully examined the said



adverse report. The apprehension expressed therein appears to be founded on a mere possibility rather than any tangible or proximate material indicating a real and imminent threat to public order.

5. The doctrine governing parole has been consistently delineated by constitutional courts as an integral facet of the reformatory theory of punishment. The competing considerations that fall for adjudication are: on the one hand, the legitimate societal interest in maintaining law and order, and on the other, the convict's fundamental right to dignity, humane treatment, and reformation, which are facets of Article 21 of the Constitution of India. Parole is not to be construed as a matter of charity, but as a structured legal mechanism intended to facilitate reintegration of the prisoner into society and to preserve familial and social ties.



6. In the case on hand, this Court finds that the convict had earlier been enlarged on parole in the year 2022, and there are no allegations of breach of conditions or involvement in any untoward incident during the said period. The absence of adverse antecedents during parole assumes significance and tilts the balance in favour of the petitioner. The mere pendency of civil disputes inter se family members, in the considered view of this Court, cannot be elevated to a determinative ground to deny parole, particularly in the absence of any concrete material demonstrating a clear and present danger.

7. It also requires to be underscored that denial of parole, in the absence of compelling and cogent reasons, would run counter to the very ethos of correctional jurisprudence. Continued incarceration, without affording even temporary release in deserving cases, would militate against the constitutional mandate of fairness, reasonableness, and humane treatment embedded in Article 21. The apprehensions expressed by the police



authorities, though not entirely irrelevant, can be sufficiently addressed by imposing appropriate and stringent conditions to ensure that public order is not disturbed.

8. Having regard to the totality of the facts and circumstances of the case, this Court is satisfied that the petitioner has made out a case warranting interference. The adverse report submitted by the Superintendent of Police does not, in the present factual matrix, constitute a valid ground to deny parole. The ends of justice would be met by granting parole subject to strict conditions safeguarding the interest of society.

9. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is allowed;



(ii) The respondents are hereby directed to release the convict Rajesh M., S/o Late Madayya, bearing CTP No.19014, on general parole for a period of ninety (90) days from the date of his actual release;

(iii) The release shall be subject to the detainee furnishing a written undertaking before the jurisdictional prison authorities that he shall maintain good conduct and shall not indulge in any unlawful or objectionable activities during the period of parole;

(iv) The respondents shall impose appropriate and stringent conditions, including:

(a) requiring the detainee to report before the jurisdictional police station at periodic intervals as may be specified;

(b) restricting his movement to a specified jurisdiction;

(c) ensuring that he shall not, directly or indirectly, contact, influence, or intimidate the victim or any members of the victim's family;



(v) The detainee shall surrender before the jurisdictional prison authorities immediately upon expiry of the parole period, without fail;

(vi) In the event of violation of any of the conditions imposed, it shall be open to the authorities to forthwith cancel the parole and secure the custody of the detainee in accordance with law;

(vii) Liberty is reserved to the petitioner to seek extension of parole, if so advised and if permissible under law;

(viii) The Registry is directed to communicate this order forthwith to the concerned prison authorities, including through electronic mode, to ensure immediate compliance.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE