



CNR: KAHC010538492026

NC: 2026:KHC:52603
WP No. 24334 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 24334 OF 2026 (GM-POLICE)

BETWEEN:

GRACY KURIAN
W/O KURIAN,
AGED ABOUT 59 YEARS,
R/AT ALIROTH, KALLAMALA (VILLAGE),
AGALI KERALA 678581

PETITIONERS IS MOTHER OF CONVICT

SIJU KURIAN,
CTP NO. 00672
S/O KURIYAN,
AGED ABOUT 38 YEARS,
R/AT ALAROTH HOUSE, MANNARKAD TALUK,
PALAKAD DISTRICT,
KERALA 678581

(NOW IS IN CUSTODY CENTRAL PRISON SHIVAMOGGA
... PETITIONER

(BY SRI. KARIAPPA N.A., ADVOCATE)

AND

- 1 . STATE OF KARNATAKA
BY SAGARA RURAL POLICE STATION,
SHIVAMOGGA 577 201
- 2 . ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF HOME AND PRISON
VIDHANA SOUDHA,
BANGALORE 560001
- 3 . DIRECTOR GENERAL OF POLICE AND



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INSPECTOR GENERAL OF PRISON AND
CORRECTIONAL SERVICES.,
NO.4, SESHADRI ROAD,
BANGALORE 560009

4 . CHIEF SUPERINTENDENT
CENTRAL PRISON,
SHIVAMOGGA 577222

(RESPONDENT NO. 1 TO 4 ON
REPRESENTED BY
LEARNED GOVERNMENT ADVOCATE,
HIGH COURT OF KARNATAKA,
BANGALORE 560 001)

....RESPONDENTS

(BY SRI. PANINI A.H., AGA &
SMT. RASHMI PATEL., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR A WRIT OR ORDER OR DIRECTION OF APPROPRIATE
IN NATURE IN QUASHING THE ENDORSEMENT DATED 18.03.2026 BY
BEARING NO.SCP/J1/1229/2025-26 AS PER ANNEXURE-A AS
ILLEGAL, ARBITRARY AND OPPRESSIVE AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING
BEEN RESERVED FOR ORDERS ON 10.09.2026, THIS DAY, THE
COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The Petitioner, who is the mother of the detenu-Siju Kurian (CTP No.00672), is before this Court seeking for the following reliefs:



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1. *Issue a writ of certiorari or a writ or order or direction of appropriate in nature in quashing the Endorsement dated 18-03-2026 by bearing Number SCP/J1/1229/2025-2026 as per ANNEXURE-'A' as illegal, arbitrary and oppressive.*
 2. *To issue a writ of mandamus or a writ or direction of appropriate in nature directing the Respondents to grant 90 days General Parole to Convict by Name Siju Kurian CTP No 00672, on such terms and conditions, and*
 3. *To issue a writ or order or direction of appropriate in nature granting such other relief or reliefs as this Hon'ble Court deems fit, to grant in the ends of Justice.*
2. The detenu had been convicted for offences under Sections 302, 201, 404 and 419 of IPC in S.C.No.96/2012. The Trial Court, i.e., the Hon'ble V Additional District and Sessions Judge, Shivamogga, sitting at Sagara, had acquitted the detenu by judgment dated 08.08.2013. The said acquittal was reversed by this Hon'ble High Court by judgment dated 20.03.2020, whereby the detenu came to be convicted and sentenced to life imprisonment. The detenu has been in custody since 10.01.2021, and had, on an earlier occasion during the period of his sentence, been granted General Parole for a period of 30 days, which he availed of and thereafter surrendered to custody upon expiry of the parole period, as recorded in the Imprisonment Certificate dated 16.06.2026 produced at **Annexure-B** to the



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petition. The said Certificate also records that the conduct of the detenu in prison has been satisfactory.

3. The detenu, through Respondent No.4, applied for 90 days' ordinary parole on 25.09.2025, on the ground that his father required medical treatment and was hospitalised, in support of which a medical certificate has been produced at **Annexure-C** to the petition. The Petitioner is before this Court, aggrieved by the rejection of the said application.

4. Sri Kariappa N.A., learned counsel appearing for the Petitioner, would submit that:

4.1. The impugned endorsement dated 18.03.2026 is arbitrary, oppressive and contrary to the provisions of the Karnataka Prisons Act and Rules, more particularly the Regulations detailed in the Karnataka Prison Manual, and is accordingly violative of Articles 14 and 21 of the Constitution of India.

4.2. He submits that the object underlying the grant of parole, as set out in the Regulations of the Karnataka Prison Manual, is to enable a prisoner to maintain contact with his family and attend to family affairs, to save him from the



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evil effects of continuous incarceration, and to enable him to maintain self-confidence and a constructive interest in life.

4.3. His submission is that the life imprisonment undergone by the detenu is no different from that undergone by any other life convict, and that similarly placed convicts having been granted parole, the denial of the same benefit to the detenu is discriminatory and violative of Articles 14, 19 and 21 of the Constitution.

4.4. He further submits that the detenu, apart from being a permanent resident of Palakkad District, Kerala, has aged parents with no one else to look after them, has no other antecedents, and has a fixed place of residence to which he undertakes to return, and that he is prepared to abide by any conditions this Court may impose.

4.5. He relies on the order of a Coordinate Bench of this Court in ***Nomina Khatun v. State of Karnataka***,¹ more particularly para 5, 6, and 7 thereof, which are reproduced hereunder for easy reference.

¹ W.P.No.10732/2026 dt. 21.04.2026



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"5. It is also relevant to note that the convict has not availed parole for a considerable period of nearly seven (7) years. The cumulative effect of the aforesaid factors, namely, the grave medical condition of the petitioner, the prolonged incarceration of the convict, and the absence of any adverse antecedents within the prison, persuade this Court to take a liberal view in the matter.

6. It is trite that parole is not a matter of right, but a reformatory and rehabilitative measure intended to enable a convict to maintain social and familial ties. The object of parole assumes greater significance in situations involving compelling humanitarian considerations, such as serious illness of a close family member. Courts have consistently recognized that temporary release can be granted in such circumstances, subject to stringent safeguards, so as to balance the competing interests of societal security and individual humanitarian needs.

7. However, having regard to the fact that the petitioner is a resident of the State of Assam and not within the territorial jurisdiction of this Court, this Court is of the considered view that adequate and stringent conditions are required to be imposed to ensure the presence of the detainee and to secure his surrender upon expiry of the parole period."

4.6. On the above basis, he submits that the petition is required to be allowed and parole granted.

5. Sri Panini A.H., learned AGA, learned HCGP, appearing for the Respondents, would submit that:



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- 5.1. The opinion/report of the Superintendent of Police, Palakkad District, is relevant to the consideration of the application, particularly having regard to the fact that the detenu proposes to reside outside the State of Karnataka.
- 5.2. He relies upon the judgment of the Hon'ble Calcutta High Court in **Noor Mohammed v. State of West Bengal**,² more particularly para 'a)', 'g)' and 'f)' thereof, which are reproduced hereunder for easy reference.

"Decision with reasons:-

a) The application of the petitioner for release in parole has not yet been formally disposed of by the Authority concerned. On a formal disposal it would have been clear whether the petitioner's prayer is allowed or rejected. However, from the reports filed by the State respondents and the submission made on their behalf it is clear that the State respondents are not opposed to the petitioner's release on parole but keeping in mind the difficulties encountered in implementing the release on parole when the petitioner was granted parole for two days excluding the travel time in 2019 the respondents are not inclined to release the petitioner on parole. Moreover, keeping in mind the security factor, the respondents are not inclined to release the petitioner on parole for a long period of 30 days as prayed for. This stand of the State respondents pose a question as to a practical

² W.P.A.No.2594 of 2019 dt. 07.07.2021



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difficulty in giving effect to the release of the petitioner in parole to travel from Kolkata to Mumbai to visit his family in Maharashtra. Even if the police authorities in West Bengal provide escort during the transit from Kolkata to Mumbai it will be the responsibility of Mumbai/Maharashtra Police to keep track over the petitioner's activities while he stays at Mumbai/Maharashtra. The Hon'ble Supreme Court in Asfaq (supra) has laid down the reasons for which it is important to release a prisoner on parole irrespective of the seriousness of the crime committed and sentence awarded. In the said Supreme Court judgment on one hand the well-being of the prisoner has been considered and on the other the safety and security of the society upon release of the prisoner and the prisoner's personal safety and security while he is on parole has also been considered. In fact, in paragraph 29 of the said judgement the Hon'ble Supreme Court has taken into account the threat of injury to a prisoner released on parole from outsiders who may have been affected by the offence committed by such prisoner. Taking into account all these factors the moot question which falls for consideration in this case is not only the release of the petitioner on parole but also giving effect to such release to allow the petitioner to visit Maharashtra to meet his family.

xxx

f) *Section 62 (8) (b) provides that a prisoner released on parole under Sec. 62 (1) or Sec. 62 (3) shall report to the police station of the place of stay during the period of release on parole to enable the local police to keep a watch on his activities. The practical difficulty submitted by the respondents relate to this provision as the petitioner intends to visit his family at Mumbai in Maharashtra. The jail authorities or the police authorities in West Bengal have no control over the police authorities in Maharashtra and as such can only request the local police station where*



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the petitioner intends to stay during the parole to keep a watch on his activities so that the petitioner does not turn out to be a threat to the society or that his life is also not endangered. This also brings us to the concern expressed by the Hon'ble Supreme Court in Asfaq (supra) particularly in paragraph 29 thereof. A coordination is therefor necessary in the instant case between the jail authorities, the police authorities in West Bengal as also the police authorities in Maharashtra.

Unless there is a proper coordination, the release of the petitioner in parole will pose questions to the security issue both for the society as also for the petitioner. Security issue being of prime consideration and keeping in mind the restrictive functioning of administrative authorities pan India owing to pandemic the release of the petitioner in parole unless the security issues are resolved for the present is not called for.

g) *It is correct that in Mohammed Shamsuddin (supra), Fazlur Rehman (supra), Mohammad Afaq Khan (supra), Mohd. Aijaz Akbar (supra) cited by the petitioner, the Hon'ble Supreme Court of India has allowed inter-state transfer of the petitioner and thereafter release on parole from the transferee jail but the authority and jurisdiction available to the Hon'ble Supreme Court under Article 142 of the constitution of India is not available with the High Courts. Reliance in this context may be placed on the judgement reported in **2017(4) SCC 397 [Asha Ranjan vs State of Bihar] (particularly paragraphs 70-87)**. Unless there is a consent from the Government of Maharashtra as required under Section 3 of the Transfer of Prisoners Act, 1950 which is absent in this case in view of the memo issued by the Additional Director General of Police & Inspector General of Correctional Services, Maharashtra a prisoner cannot be transferred from one State to the other. Although*



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in Asha Ranjan (supra), it was held in paragraph 86.5 as SCC page 447:-

"86.5. Section 3 of the 1950 Act does not create an impediment on the part of the court to pass an order of transfer of an accused or a convict from one jail in a State to another prison in another State because it creates a bar on the exercise of power on the executive only"

The observation therein has to be construed in the light of Article 142 only that the power of transfer is available with the Hon'ble Supreme Court and not with the High Court in exercise of powers under Article 226 of the Constitution of India.

This Court has no territorial jurisdiction over the State of Maharashtra to direct transfer of the petitioner from the jail at Alipore, West Bengal to a jail in Maharashtra and thereafter release of the petitioner from the transferor jail in parole. The judgements/orders of various High Courts, also do not deal with the issue of release of a prisoner in parole for visiting another State/union territory or inter-state transfer of a prisoner and thereafter release from the transferee jail on parole. The High Court judgements are related to release in parole for the prisoner remaining within the State during his parole. I am, therefore, not inclined to direct any transfer of the petitioner to a jail in Maharashtra and subsequently be released therefrom."

5.3. Relying on **Noor Mohammed**, learned HCGP submits that where a prisoner seeks to travel to or remain in another State during the period of parole, the authorities of the State where the



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prisoner is confined may not have effective control over his movements. Effective implementation of the conditions of parole would therefore require coordination with the police authorities of the State where the prisoner proposes to stay. His further submission is that where such supervisory and security arrangements cannot be effectively put in place, the practical difficulties in monitoring the prisoner and enforcing the conditions of parole would weigh against granting parole. On this ground, it is submitted that the petitioner ought not to be granted parole.

6. Heard the learned counsel appearing for the Petitioner and the learned Additional Government Advocate and High Court Government Pleader appearing for the State. Perused the material placed on record.
7. The points that would arise for consideration are:

(i) Whether the impugned Endorsement dated 18.03.2026 rejecting the detenu's application for parole can be sustained, having regard to the manner in which the opinion of the police of another State was sought, obtained and acted upon by the competent authority?



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- (ii) Whether this Court, in exercise of its jurisdiction under Article 226 of the Constitution, has the power to direct release of a convict on parole where the convict is to reside outside the territorial jurisdiction of the State of Karnataka?
- (iii) What mechanism, both for the purposes of the present case and as a matter of general application, ought to govern the grant of parole where the convict is to reside outside the State, and in particular, how an adverse opinion received from the police of another State is to be dealt with in that mechanism?
- (iv) Whether, having regard to the quashing of the impugned Endorsement, this Court should direct release of the detenu on parole?
- (v) What Order?

8. This Court answers the above points as follows:

9. **Answer to Point No. (i): Whether the impugned Endorsement dated 18.03.2026 rejecting the detenu's application for parole can be sustained, having regard to the manner in which the opinion of the police of another State was sought, obtained and acted upon by the competent authority?**



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9.1. Before considering the specifics of the present case, it would be appropriate to advert to the provisions governing grant of parole.

9.2. Sections 55 and 56 of the Karnataka Prisoners Act, 1963 reads as under:

"55. Power to release certain prisoners temporarily.—

(1) The State Government or any authority to which the State Government may delegate its power in this behalf may, subject to such conditions as may be prescribed, release temporarily for a period not exceeding ten days in a year (excluding the time required for journeys and the days of departure from and the arrival at prison) any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as habitual criminal for the purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section (1) unless,—

a. he has at the time of his release served one half of his sentence including remission or a period not less than two years of sentence including remission, whichever is less;

b. his conduct in prison has been good;

c. twelve months have elapsed from the date of the expiry of the period of his previous release, if any, under this section.



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(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

56. Release on parole.—(1) *The State Government or any authority to which the State Government may delegate its power in this behalf, may, subject to such conditions as may be prescribed, release on parole for such period as it may deem necessary, any prisoner in case of any serious illness or death of any member of the prisoner's family or of any of his nearest relatives or for any other sufficient cause.*

(2) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence."

9.3. Rule 191 of the Karnataka Prisoners Rules, 1974 reads as under:

"191. Release under section 56..... *A prisoner may be released on parole for such period as the Government may order in the case of serious illness or death of any member of the prisoner's family or his nearest relative or for any other sufficient cause. The period spent under parole shall not count as part of sentence.*

(2) A prisoner who desires to be released on parole shall submit his application in triplicate in the prescribed form No. IX to the Superintendent who shall submit the same along with his remarks to the Inspector General along with his remarks to the Inspector General



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along with nominal roll of the prisoner and such other information as may be required.

(3) The prisoner shall execute a bond in the prescribed form with two satisfactory sureties for a sum of Rs. 3,000 each before the Superintendent giving an undertaking that he will return to the prison before the expiry of the period of his temporary release and that he will maintain good conduct during the period and that he shall not associate with bad characters. He shall also notify the place where he intends to reside during the period of temporary release.

(4) The Superintendent shall ascertain from the Tahsildar and the police concerned particulars of the sureties before accepting them and the genuineness or otherwise of the purpose for which the prisoner has applied for grant of parole. The Tahsildar and the police concerned shall within fifteen days after the receipt of reference, forward their report to the Superintendent failing, which it is presumed that they have nothing adverse to report. The superintendent shall thereafter make his recommendation to the Inspector General of Prisons, who shall examine and pass suitable orders for release of prisoner on parole subject to the conditions specified in sub rule (3)."

9.4. Regulation 635 of the Karnataka Prisoners and Corrections Service Manual, 2021 reads as under:

"i. Section 55 of the Karnataka Prisoners Act, 1963 and Rule 191 of the Karnataka Prisoners Rules, 1974 confers on State Government or



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any authority empowered by it the power to release prisoners temporarily;

ii. General Parole and Emergency Parole to inmates are progressive measures of correctional services. The release of a prisoner on leave not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and the community.

iii. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life.

iv. The provisions for grant of parole should be liberalized to help a prisoner to maintain a harmonious relationship with his family. The privilege of parole should, of course, be allowed to selective prisoners on the basis of well-defined norms of eligibility;

v. General and Emergency Parole cannot be claimed as a matter of right but it is a concession granted to the convicted prisoner;

vi. Director General of Prisons and Correctional Services reserves the right to debar or withdraw any prisoner or category of prisoners from the concession of any parole.

vii. The expense of journey to and from his place of stay for general parole or emergency parole shall be borne by the prisoner concerned;

viii. The period spent on general parole or emergency parole shall not count as sentence;

ix. The prisoner will be liable and recalled immediately to prison in case he violates any of the conditions by the Director General of Prisons and Correctional Services;



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x. A register and separate file shall be maintained in Prison;

xi. A person can give surety for two or more prisoners."

9.5. Section 55 of the Karnataka Prisoners Act, 1963 provides for temporary release of certain prisoners, while Section 56 specifically provides for release on parole. Rule 191 of the Karnataka Prisoners Rules, 1974 prescribes the framework for release on parole under Section 56.

9.6. Rule 191 of the Karnataka Prisoners Rules, 1974 sets out the circumstances and procedure governing release of a prisoner on parole.

9.7. Regulation 635 further provides the framework governing temporary release and sets out the purpose underlying such release. General Parole and Emergency Parole are recognised as progressive measures of correctional services. The Regulation specifically recognises that release on parole enables a prisoner to maintain social relations with his family and the community. It further recognises that such continued contact assists the prisoner in maintaining and developing a sense of self-



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confidence and sustains in him a hope for life. Thus, the provision for parole is not founded merely upon the temporary release of a prisoner from incarceration, but also upon the correctional objective of maintaining the prisoner's social and familial relationships.

9.8. Significantly, the Regulation records that the provisions for grant of parole "should be liberalised" so as to enable a prisoner to maintain a harmonious relationship with his family. The said recognition is, however, accompanied by the qualification that the privilege of parole is to be extended to selective prisoners on the basis of well-defined norms of eligibility.

9.9. Regulation 635 therefore contemplates a balance between the correctional purpose of parole and the requirements governing its grant. While the Regulation recognises the beneficial and corrective purposes of temporary release, it expressly provides that General Parole and Emergency Parole cannot be claimed as a matter of right and describes the same as a concession granted to a convicted prisoner.



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9.10. The Regulation also provides for conditions and safeguards governing such temporary release. The Director General of Prisons and Correctional Services is empowered to debar or withdraw a prisoner or a category of prisoners from the concession of parole. A prisoner may also be recalled immediately in the event of violation of the conditions governing his release. The requirement of maintaining a register and a separate file further indicates that the grant of parole is intended to operate within a regulated institutional framework.

9.11. The scheme emerging from Regulation 635 is thus clear: parole serves a recognised correctional purpose, its grant is subject to well-defined eligibility norms, and the temporary release remains subject to conditions and supervision. The fact that parole cannot be claimed as an absolute right does not detract from the correctional purposes expressly recognised in the Regulation. Equally, the recognition of those purposes does not dispense with the requirement that the prisoner satisfy the applicable eligibility norms and conditions.



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9.12. The objective of parole is as detailed in Regulation 636 which is reproduced hereunder for easy reference:

"636.Objectives of Parole;

- i.To enable the inmate to maintain continuity with his family life and deal with family matters and settlement of life after release;*
- ii.To enable him to maintain and develop his self-confidence, constructive hope and active interest in life;*
- iii.Agricultural operations like sowing and harvesting;*
- iv.To make arrangements for admission of children in school/college/technical education;*
- v.Construction and repair of home;*
- vi.To make arrangement or to participate in the family marriage; vii. To save him from the evil effects of continuous long prison life;*
- vii.To help him remain in touch with the developments in the outside world;*
- viii.To enable him to overcome/recover from the stress and evil effects of incarceration;*
- ix.To motivate him to maintain good conduct and discipline in the prison.*
- x.To provide suitable option to woman prisoner to give birth to Child outside the Prison; if required.*
- xi.Any other extraordinary reasons on discretion of the head of the institution;"*



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9.13. A perusal of the aforesaid provision would indicate that the objectives of parole are not confined to permitting a prisoner to attend to an immediate family necessity. Regulation 636 sets out a range of objectives, commencing with the preservation of continuity in family life and extending to matters concerning the prisoner's eventual settlement after release, maintenance of self-confidence and constructive hope, participation in agricultural operations and family functions, attending to the education of children, construction or repair of the family home, and remaining in touch with developments in the outside world.

9.14. The provision also expressly recognises the need to protect a prisoner from the evil effects of prolonged incarceration and to enable the prisoner to overcome or recover from the stress and other adverse effects of incarceration. The objective of parole is thus also connected with the prisoner's continued engagement with life outside the prison and his eventual return to society.



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9.15. Equally significant is the recognition in Regulation 636 of the objective of motivating a prisoner to maintain good conduct and discipline in prison. Thus, the provision contemplates parole not merely from the standpoint of the immediate circumstances for which temporary release may be sought, but also as an instrument connected with the prisoner's conduct, correction and continued relationship with the outside world.

9.16. Regulation 636 further makes specific provision for a woman prisoner to have the option, where required, to give birth to a child outside the prison.

9.17. It also contains a residuary provision permitting consideration of "any other extraordinary reasons" at the discretion of the Head of the Institution. The enumeration is therefore broad and expressly includes a discretionary category beyond the specifically identified circumstances.

9.18. The objectives enumerated in Regulation 636, when read as a whole, indicate that parole is conceived as a correctional and rehabilitative measure which facilitates the prisoner's



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continued connection with family, community and life outside prison, while also addressing legitimate personal, familial, social and other extraordinary circumstances. The provision accordingly requires the authority considering parole to bear in mind the several objectives expressly identified in the Regulation while examining an application for temporary release.

9.19. The Regulation 638 relates to general parole which is reproduced herein for easy reference:

" 638: General parole shall be granted subject to the conditions specified under provisions.

i. Eligibility for General Parole:

a) A prisoner who has been classified as habitual criminal for the purpose of these rules and who has had more than three conviction or against whom case / cases are pending before Courts for offences punishable with death or imprisonment for more than 7 years shall not be eligible for general parole;

b) At the time of release on parole the prisoner must have served one half of his sentence including remission, or a period of not less than two years of sentence including remission and includes under trial period, whichever is less;

c) There should be a gap of six months between two general paroles after surrender date of previous parole;



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d) His conduct in prison has been good;

e) A prisoner who fails to return to the prison after general parole on the due date shall not be eligible for sanction of general parole in future period of imprisonment unless regularised by Director General of Prisons and Correctional Services for such unauthorized period.

ii. Procedure for the general Parole:

a) A Prisoner who desires to be released on general Parole shall submit his application in triplicate in Form No. IX to the concerned Head of the Prison;

b) After receiving the Parole application from the Prisoner, the concerned Chief Superintendent/Superintendent of Prison shall obtain report from Commissioner of Police / District Superintendent of Police where residence referred in his/her parole application;

c) The Chief Superintendent or Superintendent of Prison shall obtain the report from the concerned Commissioner of Police or Superintendent of Police, if no such report is obtained within 15 days, the Chief Superintendent or Superintendent of Prison along with his remarks shall forward prisoner's parole application to Director General of Prisons and Correctional Services for consideration of general Parole;

d) The Chief Superintendent or Superintendent of Prison after obtaining the report from the concerned Commissioner of Police and Superintendent of Police within 15 days, with adverse report not to release the



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prisoner on general parole. The Chief Superintendent or Superintendent of Prison shall forward prisoner's parole application along with nominal roll, details of prisoner, nature of work, wages earned, remission and behaviour of the prisoner to the Director General of Prisons and Correctional Services for sanctioning/rejection of parole;

e) Prisoner shall deposit an amount of Rs.1,000/- (Rupees One thousand only) in cash and giving an undertaking before head of the prison institution on stamp paper of Rs.50/- value in Form X(A) that he will return to the prison before the expiry of the period of his general parole and that he will maintain good conduct during the period of parole release and he shall not associate with any bad elements or commit any offence punishable by any law. He shall also notify the place where he intends to reside during the period of general parole release;

f) One satisfactory surety for a sum of Rs.1,000/- (Rupees One thousand only) and giving an undertaking before head of the prison on stamp paper of Rs. 50/- value in Form X, that prisoner will surrender to the prison on or before expiry of the Parole Leave;

g) In lieu of surety he shall deposit an amount of Rs.3000/- (Rupees Three thousand only) in cash giving under taking of return to the prison before the expiry of the period;

h) Before releasing the prisoner on general parole, the concerned head of institution shall get all the particulars of the concerned prisoner, including the names and addresses of his family members, their phone numbers along with valid identification card for his/her



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identity like Aadhar Card, Election Card (EPIC)etc.;

i) The release and surrender report shall be submitted by Chief Superintendent/ Superintendent of Prison to the Director General of Prisons and Correctional Services and a copy thereof sent to Executive Magistrate, Superintendent of Police/ Commissioner of police and concerned Court;"

9.20. Regulation 638 contemplates that General Parole is a regulated form of temporary release, the grant of which is subject to the eligibility requirements and procedural safeguards prescribed therein. The Regulation first identifies the categories of prisoners who are ineligible and thereafter prescribes substantive conditions which a prisoner is required to satisfy before General Parole can be considered.

9.21. The eligibility conditions include the nature and history of the prisoner's convictions or pending cases, the period of sentence already undergone, the interval between successive paroles, the prisoner's conduct during incarceration and his compliance with the requirement of returning to prison upon expiry of an earlier parole. The Regulation thus



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proceeds on the basis of identifiable and prescribed criteria rather than leaving eligibility entirely to an unguided discretion.

9.22. The Regulation thereafter prescribes a specific procedure for consideration of an application. The prisoner is required to submit an application in the prescribed form to the Head of the Prison. The prison authorities are required to obtain a report from the concerned Commissioner of Police or Superintendent of Police regarding the place where the prisoner proposes to reside during the period of parole. The Regulation also prescribes a period of fifteen days for obtaining such report and provides for further action where the report is not received within that period.

9.23. The material to accompany the application is also specified. The prison authorities are required to forward the nominal roll and particulars of the prisoner, including the nature of work, wages earned, remission and behaviour of the prisoner, for consideration of the application. Thus, the regulatory scheme contemplates consideration of the prisoner's



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individual circumstances and conduct, together with the report concerning the place of residence during parole.

9.24. Regulation 638 further incorporates safeguards intended to secure the prisoner's return to prison and regulate his conduct during the period of temporary release. These include the deposit of the prescribed amount, an undertaking to return before expiry of the parole period, an undertaking to maintain good conduct and not commit any offence, furnishing of surety or deposit in lieu thereof, and disclosure of the proposed place of residence and relevant particulars.

9.25. The Regulation also contemplates institutional and inter-departmental oversight. Before release, particulars of the prisoner and his family members, including contact details and identification particulars, are required to be obtained. After release and surrender, a report is required to be submitted by the Chief Superintendent/Superintendent of Prison to the Director General of Prisons and Correctional Services, with copies to the Executive



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Magistrate, the Superintendent of Police/Commissioner of Police and the concerned Court.

9.26. Thus, Regulation 638 discloses a structured mechanism for General Parole comprising eligibility requirements, an application procedure, consideration of relevant reports and prison records, safeguards for securing return and good conduct, and post-release reporting. The provision is therefore not merely a statement that parole may be granted; it prescribes the manner in which an application is to be processed and the circumstances and safeguards which govern the grant of General Parole.

9.27. Section 56 of the Karnataka Prisoners Act, 1963, Rule 191 of the Karnataka Prisoners Rules, 1974 and Regulation 638 of the Karnataka Prisoners and Corrections Service Manual, 2021 are required to be read harmoniously.

9.28. Rule 191 provides the statutory, rule-based framework governing temporary release on parole, including the application procedure,



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obtaining the police or Tahsildar report, the period within which such report is to be furnished, forwarding the application, and the decision by the competent authority.

9.29. Regulation 638 sets out the corresponding eligibility requirements and procedural particulars applicable to general parole under the Manual. Neither provision makes the opinion of the police authority determinative of the application. The police report is a part of the material to be obtained and considered; the decision to sanction or reject parole remains with the competent authority in accordance with the governing framework.

9.30. Regulation 638(ii)(d) contemplates that where an adverse report is received from the concerned Commissioner or Superintendent of Police, the parole application is to be forwarded to the Director General along with the nominal roll, details of the prisoner, nature of work, wages earned, remission and behaviour of the prisoner, for sanctioning or rejection of parole. The provision therefore contemplates consideration of the police report along with the



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other material relating to the prisoner. The police report is an important input into the decision-making process, but the Regulation does not make such report, by itself, determinative of the application.

9.31. In the present case, since the detenu's family is permanently residing at Palakkad District, Kerala State, Respondent No.4, vide letter dated 08.10.2025, called upon the Superintendent of Police, Palakkad, to furnish his opinion on the specified points relevant to the grant of parole, as directed by the Hon'ble Director General, Prisons and Correctional Services, Karnataka State. The Superintendent of Police, Palakkad, by his letter dated 30.10.2025, did not furnish an opinion on the specified points, necessitating a further reminder dated 23.12.2025, following which he furnished a report dated 17.01.2026 recommending against release of the detenu on parole. The said report was thereafter forwarded to the Director General of Prisons and Correctional Services, Karnataka State, through letter dated 27.01.2026. The Director General of Prisons and Correctional Services,



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Karnataka State, by order dated 12.03.2026, rejected the detenu's application for ordinary parole based on the said opinion report, which decision was communicated to the detenu by the impugned endorsement dated 18.03.2026.

9.32. Neither the Endorsement nor the order of the Director General dated 12.03.2026, discloses that the detenu's custodial conduct, remission, nominal roll or other relevant material contemplated under Regulation 638(ii)(d) was considered while arriving at the decision. The issue, therefore, is not the fact that a report was obtained from the police authorities of another State. Such a report is undoubtedly relevant to the consideration of an application for General Parole. The difficulty lies in the absence of any indication from the material placed before this Court that the competent authority independently considered the application with reference to the relevant material required to be placed before it under the governing provisions.

9.33. The police report is undoubtedly a relevant material for consideration by the competent



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authority. However, such report constitutes only one component of the material contemplated under Regulation 638. It cannot, by itself, substitute the consideration required to be undertaken by the competent authority on the basis of the application, the prisoner's nominal roll, his conduct, remission and other relevant particulars placed before it in accordance with the Regulation.

9.34. The requirement is, therefore, not merely to obtain the requisite reports but to consider the application in the light of the material prescribed by the governing regulatory framework and arrive at an independent decision. An order declining General Parole must consequently disclose, either expressly or from the material forming the basis of the decision, that the competent authority has applied its mind to the relevant considerations.

9.35. In the present case, the material placed before this Court does not disclose such consideration. The impugned decision, therefore, cannot be sustained for want of application of mind to the



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relevant material contemplated under Regulation 638.

9.36. This Court answers point No. (i) by holding that the impugned Endorsement dated 18.03.2026 rejecting the detenu's application for parole cannot be sustained, having regard to the fact that there is no application of mind to the relevant material.

10. **Answer to Point No. (ii): Whether this Court, in exercise of its jurisdiction under Article 226 of the Constitution, has the power to direct release of a convict on parole where the convict is to reside outside the territorial jurisdiction of the State of Karnataka during Parole?**

10.1. The present case is different from a case where the custody of a prisoner is transferred from one State to another. In the present case, the detenu is not being transferred from the custody of the State of Karnataka to the custody of the State of Kerala. What is sought is temporary release on parole, during which the detenu proposes to stay at the address mentioned in the parole application.

10.2. Merely because the detenu proposes to stay outside Karnataka, it cannot be said that his



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custody is being transferred to that State. If parole is granted, the detenu will continue to be subject to the conditions imposed by the competent authority in Karnataka. He will also be required to return to prison on expiry of the parole period.

10.3. In **Noor Mohammed**, the Hon'ble Calcutta High Court considered a similar situation where a prisoner released on parole was required to travel to and stay in another State. The Hon'ble Calcutta High Court considered the practical difficulty of providing police escort and supervision outside the State in which the prisoner was lodged.

10.4. The said decision is relevant only to the extent that it recognises the practical difficulties which may arise when a prisoner on parole stays outside the State where he is lodged. The issue in the present case is not transfer of custody to the State of Kerala. If parole is granted, the detenu will be released by the competent authority in Karnataka and will continue to be bound by the conditions imposed while granting parole.



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10.5. The question, therefore, is how the place of residence of the detenu is to be verified and how the necessary supervision is to be carried out when he proposes to stay outside Karnataka.

10.6. There is a clear distinction between transfer of custody and release on parole. In a transfer of custody, the receiving State takes custody of the prisoner. Such transfer is governed by the applicable statutory procedure. Parole is different. The prisoner is temporarily released subject to conditions imposed by the authority granting parole. Such conditions may relate to his place of residence, movement, reporting and return to prison. Action can also be taken if the conditions are violated.

10.7. In ***Nomina Khatun***, this Court considered a case where the convict was required to stay outside Karnataka during the period of parole. Conditions were imposed to secure his presence and return to prison. The fact that the convict was required to stay outside the State was not treated, by itself, as a bar to grant of parole. The decision, however, does not lay down any



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general procedure for verification and supervision where the prisoner proposes to stay outside Karnataka.

10.8. Regulation 638(ii)(b) of the Karnataka Prisoners and Corrections Service Manual, 2021 requires the Superintendent of Prison to obtain a report from the Commissioner of Police or District Superintendent of Police of the place mentioned as the prisoner's residence in the parole application. The provision does not state that such place of residence must be within Karnataka. Thus, the fact that the proposed place of residence is outside Karnataka cannot, by itself, prevent consideration of the application for parole. At the same time, the Regulation does not set out the manner in which such verification or supervision is to be carried out when the proposed place of residence is in another State.

10.9. The absence of a specific procedure for such cases cannot by itself be treated as a prohibition against grant of parole. However, this Court cannot issue a direction to the police authorities of another State as though they are



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under the administrative control of this Court. The competent authority in Karnataka must, therefore, impose appropriate conditions and take such steps as are within its lawful power. Where necessary, it may also seek the assistance or cooperation of the authorities of the State where the detenu proposes to stay.

10.10. Therefore, the fact that the detenu proposes to reside outside Karnataka during the period of parole does not, by itself, bar consideration of his application for parole. Nor does it prevent this Court from examining the legality of the decision taken by the competent authority. The issue of residence outside Karnataka has to be addressed by prescribing suitable conditions and by making arrangements, as permissible in law, for verification of the address, reporting during the period of parole and ensuring his return to prison on expiry of the parole period.

10.11. This Court answers point No. (ii) by holding that this Court, in exercise of its jurisdiction under Article 226 of the Constitution, has the power to direct release of a convict on parole where the convict is to reside outside the



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territorial jurisdiction of the State of Karnataka during Parole.

11. **Answer to Point No. (iii): What mechanism, both for the purposes of the present case and as a matter of general application, ought to govern the grant of parole where the convict is to reside outside the State, and in particular, how an adverse opinion received from the police of another State is to be dealt with in that mechanism?**

11.1. The facts of the present case also bring into focus a larger issue concerning the implementation of the provisions relating to parole. Regulation 638 of the Karnataka Prisoners and Corrections Service Manual, 2021 requires a report from the police authority having jurisdiction over the place where the prisoner proposes to reside during the period of parole. However, the Regulation does not expressly deal with a situation where the proposed place of residence is outside the State of Karnataka.

11.2. The absence of an express provision in this regard cannot be understood as meaning that a prisoner is required to reside within the State of Karnataka during the period of parole. The



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Regulation itself requires the place of residence during parole to be disclosed and contemplates verification by the police authority having jurisdiction over that place. The provision, therefore, is capable of operating even where the proposed place of residence is outside Karnataka.

11.3. The issue assumes greater importance in the present circumstances. Persons routinely move across State boundaries for employment, education, business, marriage and other family and social reasons. A prisoner may also have been convicted or incarcerated in a State other than the State in which he or she ordinarily resides. The prisoner's parents, spouse, children or other close family members may similarly be residing in another State.

11.4. Consequently, there may be cases where a prisoner is incarcerated in Karnataka but belongs to another State; where the prisoner's permanent residence is in another State; where the family is residing in another State; or where the purpose for which parole is sought



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can be fulfilled only at a place outside Karnataka.

11.5. In such cases, the fact that the prisoner is in the custody of the State of Karnataka and proposes to reside temporarily in another State gives rise to a practical requirement of coordination between the authorities of the two States. Such coordination may involve verification of the address, communication of the order granting parole, reporting by the prisoner to the local police, information regarding breach of conditions and, where necessary, information regarding failure to surrender.

11.6. This is different from transfer of custody from one State to another. When a prisoner is transferred, the receiving authority assumes custody in accordance with the applicable law. In the case of parole, the prisoner continues to remain subject to the conditions of release imposed by the competent authority of the State in which the prisoner is incarcerated. The prisoner is only permitted to remain temporarily at the disclosed place of residence.



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- 11.7. Therefore, the fact that the proposed place of residence is outside Karnataka cannot, by itself, be treated as a jurisdictional bar to consideration of parole. At the same time, release on parole cannot be permitted to result in a situation where the authorities have no means of knowing where the prisoner is residing or whether the conditions of parole are being complied with.
- 11.8. There is thus a need to strike a proper balance. The parole provisions are intended to serve correctional and rehabilitative purposes and to enable a prisoner to maintain family and social relationships. At the same time, the authorities are required to take reasonable steps to ensure that the prisoner returns to custody on expiry of the parole period and complies with the conditions imposed. Regulation 635 itself recognises both these aspects.
- 11.9. The present difficulty is therefore not merely one concerning the territorial jurisdiction of the police. It concerns the absence of a clearly prescribed mechanism for dealing with parole cases in which the prison and the proposed



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place of residence are situated in different States.

11.10. The report contemplated under Regulation 638(ii)(b) becomes particularly important in such cases. The provision, however, does not presently specify the nature of the information to be sought or the matters which the police authority is required to examine. The same issue was noticed by this Court in ***Radhamma v. State of Karnataka***,³ where it was observed that the nature of the report and the issues to be considered were not clearly specified, of course that was as regards the detenu residing within the State of Karnataka during parole, in this case the detenu wishes to reside outside the state of Karnataka, is the difference. This Court directed the authorities to prepare suitable forms and provide necessary training.

11.11. A further difficulty arises because the police authority in another State is not subordinate to the Prison Department of the State of Karnataka. The process must, therefore, be one

³ W.P. No. 17723 of 2025 dt. 10.10.2025



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of communication and coordination and cannot proceed on the assumption that an authority in another State can be directed to exercise powers which it does not otherwise possess.

11.12. At the same time, the absence of a formal inter-State mechanism cannot result in the parole application being kept pending indefinitely or rejected merely because the proposed place of residence is outside Karnataka. A reasonable administrative mechanism can be adopted whereby the competent authority seeks the relevant information from the police authority having jurisdiction over the proposed place of residence and proceeds to consider the application on the material available within the time prescribed under Regulation 638.

11.13. The same issue can arise in the reverse situation, namely, where a person who is ordinarily a resident of Karnataka is incarcerated in another State and seeks parole to come to Karnataka. The underlying principle is the same. The place of incarceration and the place where the prisoner proposes to reside



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during parole need not necessarily be within the same State.

11.14. The increasing movement of persons across State boundaries therefore makes it necessary that the parole system be capable of dealing with such situations in a uniform and predictable manner. The objective should not be to create an additional barrier for a prisoner seeking parole, but to ensure that inter-State residence during parole does not create uncertainty regarding verification, supervision, communication or surrender.

11.15. It is also necessary that the procedure should distinguish between a genuine security concern and a mere administrative difficulty. The fact that the proposed place of residence is outside Karnataka may make communication or verification somewhat more difficult, but administrative convenience cannot by itself be equated with a security risk.

11.16. Similarly, the police report obtained under Regulation 638(ii)(b) should contain relevant and specific information. A general statement that the prisoner is a convicted person, or that



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the prisoner resides outside Karnataka, would not by itself provide a sufficient basis for deciding whether parole should be granted. This Court has already noticed the problem of perfunctory police reports in parole matters.

11.17. The need for such a mechanism is not limited to the present case. A prisoner may have family in another State, may own or maintain a house in another State, may require parole for a family event there, or may have other circumstances recognised under Regulation 636 which require the prisoner to temporarily reside outside Karnataka.

11.18. It is, therefore, appropriate that certain general directions be issued so that applications involving an inter-State element are dealt with in a manner which is consistent with the statutory and regulatory scheme, while also ensuring proper verification, communication, accountability and return to custody.

11.19. These directions are intended to facilitate the working of Regulation 638 and not to enlarge or restrict the substantive eligibility for parole prescribed by law. The authority competent to



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grant or reject parole shall continue to consider each application on its own facts and in accordance with the applicable statutory and regulatory provisions.

11.20. It is in the above background that the following directions are issued.

GENERAL DIRECTIONS

11.21. Directions in Individual Cases

11.21.1. Mere residence of a prisoner outside the State of Karnataka shall not, by itself, be a ground to reject, delay or curtail consideration of an application for general parole, provided the prisoner is otherwise eligible under Regulation 638.

11.21.2. The prisoner shall furnish the complete address at which he or she proposes to reside during the period of parole, along with the name and contact details of the concerned police station, wherever available.

11.21.3. The Superintendent of the Prison shall obtain the police report contemplated



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under Regulation 638(ii)(b) from the police authority having jurisdiction over the proposed place of residence.

11.21.4. The requisition for the police report shall clearly indicate the period of proposed parole and shall seek specific information relevant to the consideration of the application.

11.21.5. The police report shall, as far as possible, indicate:

11.21.5.1. Whether the address furnished by the prisoner is identifiable and genuine;

11.21.5.2. Whether there is any specific security concern;

11.21.5.3. Whether there is any material indicating a likelihood of absconding or failure to return;

11.21.5.4. Whether there is any specific information regarding the likelihood of commission of a further offence;



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11.21.5.5. Whether there is any specific risk to the victim, witnesses or any other person; and

11.21.5.6. Any other specific circumstance which, according to the police authority, requires consideration.

11.21.6. A police report shall not be treated as adverse merely because it records the conviction, sentence or pendency of a case, unless such facts constitute a relevant ground under Regulation 638 or disclose a specific circumstance bearing upon the proposed release.

11.21.7. A distinction shall be maintained between a specific security concern and a mere administrative difficulty in supervising a prisoner residing outside Karnataka.

11.21.8. Where the police report is not received within the prescribed period, the application shall not be kept pending indefinitely. The Superintendent shall



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proceed in accordance with Regulation 638(ii)(c).

- 11.21.9. Non-receipt of a police report shall not, by itself, be treated as an adverse report.
- 11.21.10. Where an adverse police report is received, it shall be placed before the competent authority along with the other relevant material, including the nominal roll, prison conduct, remission, period undergone and the purpose for which parole is sought.
- 11.21.11. The police report shall be considered as relevant material and shall not, by itself, determine the decision on the application.
- 11.21.12. Where the concern raised in the police report can reasonably be addressed by imposing appropriate conditions, such conditions may be considered instead of treating the concern as an automatic ground for rejection.



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11.21.13. If parole is rejected on the basis of an adverse police report, the order shall indicate the substance of the adverse material and the reasons why the concern could not be addressed by appropriate conditions.

11.21.14. Where parole is granted to a prisoner proposing to reside outside Karnataka, the order granting parole shall be communicated to the police authority having jurisdiction over the place of residence.

11.21.15. Where considered necessary in the facts of a particular case, a condition requiring the prisoner to report periodically to the concerned police station may be imposed.

11.21.16. The prisoner shall not change the place of residence during the period of parole without prior permission of the competent authority.

11.21.17. The prisoner shall surrender before the concerned prison within the period



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specified in the parole order and in accordance with the conditions imposed.

11.21.18. In the event of failure to surrender, violation of the conditions of parole or commission of any offence during the parole period, the Superintendent shall immediately place the matter before the competent authority and communicate the same to the police authority having jurisdiction over the place of residence.

11.21.19. Nothing in these directions shall be understood as requiring the police or authorities of another State to assume custody of the prisoner or to undertake any function not authorised by law.

11.21.20. The requirement of police escort shall be considered on the facts of each case and shall not be imposed merely because the prisoner proposes to reside outside Karnataka.

11.21.21. The Superintendent shall maintain a complete record of the application, police report, decision, conditions imposed,



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communications made and surrender or breach of conditions.

11.22. Systemic Directions

11.22.1. The Additional Chief Secretary, Home Department, and the Director General of Prisons and Correctional Services shall consider preparing a uniform procedure for processing applications for general parole where the proposed place of residence is outside Karnataka.

11.22.2. A standard format for the police report may be prepared, clearly distinguishing between security concerns, likelihood of absconding, likelihood of further offending, risk to victims or witnesses, verification of address and mere administrative difficulties.

11.22.3. Standard formats may also be prepared for the police requisition, communication granting parole and communication regarding non-surrender or breach of conditions.



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11.22.4. A procedure may be prescribed for dealing with cases where the police report is not received within the period contemplated under Regulation 638.

11.22.5. A procedure may also be prescribed for consideration of adverse police reports, so that the reasons and supporting material are clearly recorded.

11.22.6. A nodal officer may be designated in the Prison Department for coordinating communications relating to prisoners released on parole at addresses outside Karnataka.

11.22.7. To the extent practicable, communication between prisons, the Prison Department and the police authorities concerned may be carried out electronically, with appropriate acknowledgement and record of the date and time of communication.

11.22.8. The feasibility of an electronic system for processing parole applications, police



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reports, orders and surrender reports may be examined.

11.22.9. The Prison Department may maintain appropriate electronic records to enable timely monitoring of parole applications, the date of requisition of police reports, receipt of reports, decisions, release and surrender.

11.22.10. Suitable alerts or monitoring mechanisms may be introduced so that delay at any stage of the process is brought to the notice of the responsible officer.

11.22.11. The Prison Department may provide appropriate training to prison and police officers regarding the preparation and consideration of police reports under Regulation 638.

11.22.12. The Prison Department may periodically collect and review data regarding applications for general parole, including applications involving proposed residence outside Karnataka, the time



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taken for disposal, grants, rejections, non-surrender and breaches of conditions.

11.22.13. Any further mechanism considered necessary for coordination with police authorities outside Karnataka may be developed in accordance with law and in consultation with the concerned authorities.

11.22.14. The above exercise shall be completed, as far as practicable, within a period of three months from the date of receipt of this order.

11.22.15. A copy of this order shall be communicated to the Additional Chief Secretary, Home Department, Government of Karnataka, and the Director General of Prisons and Correctional Services for appropriate consideration and action.

11.22.16. These directions shall operate subject to the Karnataka Prisoners Act, 1963, the Karnataka Prisoners Rules, 1974, the



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Karnataka Prisoners and Corrections Service Manual, 2021, and any other applicable statutory provision, rule or Government Order.

12. **Answer to Point No. (iv): Whether, having regard to the quashing of the impugned Endorsement, this Court should direct release of the detenu on parole?**

12.1 The question that arises thereafter is whether, having found the impugned Endorsement unsustainable, and on the material available before this Court, parole ought to be granted to the detenu.

12.2 The detenu has been in custody since 10.01.2021 and has undergone a substantial period of incarceration. His conduct in prison is stated to be satisfactory and is not shown to be adverse in any manner.

12.3 More significantly, the detenu had, on an earlier occasion, been granted General Parole for a period of 30 days, which he availed of and thereafter surrendered to custody upon expiry of the parole period, as recorded in the



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Imprisonment Certificate at Annexure-B. The previous release and subsequent surrender are relevant circumstances while considering whether the detenu is likely to comply with the conditions of parole and return to custody upon expiry thereof.

12.4 The competent authority, while rejecting the application, has relied upon the opinion furnished by the Superintendent of Police, Palakkad. However, as noticed hereinabove, neither the impugned Endorsement nor the order of the Director General discloses consideration of the other relevant material contemplated under Regulation 638, including the nominal roll, conduct, remission and other particulars of the detenu. The adverse opinion of the police authority, therefore, cannot by itself conclude the consideration of the detenu's application.

12.5 The application for parole was made in the context of the medical condition and treatment of the detenu's father, which is a circumstance falling within the purposes for which parole may be granted under Rule 191 and the objectives



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recognised under Regulation 636. The detenu has undergone a substantial period of incarceration and his conduct in prison is stated to be satisfactory.

12.6 The detenu has also disclosed a permanent place of residence at Palakkad District, Kerala, where he proposes to reside during the period of parole. The fact that the proposed place of residence is outside the State of Karnataka does not, for the reasons already set out hereinabove, by itself disentitle the detenu from being released on parole. The same can be addressed by imposing appropriate conditions relating to residence, reporting and surrender.

12.7 Having regard to the aforesaid circumstances, including the purpose for which parole is sought, the period of incarceration undergone, the satisfactory conduct of the detenu and his compliance with the conditions of his earlier parole, this Court is of the view that the detenu ought to be released on parole subject to stringent conditions.



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12.8 This Court answers Point No. (iv) by holding that, in the facts and circumstances of the present case, it is appropriate to direct release of the detenu on parole, subject to appropriate conditions.

13. **Answer to Point No. (v): What Order?**

13.1 In view of the foregoing, this Court passes the following:

ORDER

- i. Writ Petition is hereby ***allowed***.
- ii. The Endorsement dated 18.03.2026 bearing No. KEKAASHI/J1/1229/2025-26 (***Annexure-A***) is hereby ***quashed***.
- iii. The Respondents are directed to release the detenu-Siju Kurian (CTP No.00672) on parole for a period of 90 days from the date of his actual release, subject to the following conditions:
 - (a) The detenu shall proceed to and reside at the address disclosed in his parole application, in Palakkad District, Kerala.



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- (b) Respondent No.4 shall, prior to the actual release of the detenu, communicate to the Superintendent of Police, Palakkad District, Kerala, by wireless message or electronic mail, the particulars set out in General Directions above and shall retain proof of such communication on the detenu's parole file. The said communication shall also be furnished to the nodal officer designated by the Director General of Prisons and Correctional Services for inter-State parole coordination.
- (c) The detenu shall, within 48 hours of arrival at the disclosed place of residence, intimate his presence to the Station House Officer having jurisdiction over such place.
- (d) The detenu shall mark his attendance at the jurisdictional Police Station once every week during the period of parole. In the event of non-surrender upon expiry of the period of parole, the



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competent prison authorities shall take such steps as are permissible in law for securing compliance with the conditions of parole and the return of the detenu to custody, with the designated nodal officer facilitating lawful inter-State communication and coordination.

- (e) The detenu shall furnish an undertaking that he shall maintain good conduct, shall not indulge in any unlawful activity during the period of parole and shall surrender to custody immediately upon expiry thereof.
- (f) Having regard to the fact that the detenu is to reside outside the State of Karnataka, the detenu shall furnish two sureties from the State of Karnataka to the satisfaction of the jurisdictional prison authorities, prior to his release.
- (g) The competent authority is at liberty to impose such additional conditions as may be just and reasonable.



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- (h) The detenu and his family members shall comply with all other formalities required by the jurisdictional prison authorities before the date fixed for release.
- (i) Any violation of the conditions imposed above shall be brought forthwith to the notice of the Director General of Prisons and Correctional Services and the jurisdictional prison authorities. The competent authority may, in accordance with the governing provisions, cancel or withdraw the parole and take such steps as are permissible in law for securing compliance with the conditions and, where necessary, the return of the detenu to custody. The designated nodal officer shall facilitate such inter-State communication and coordination as may lawfully be undertaken for that purpose.
- (j) The Registry is directed to communicate this order forthwith to the jurisdictional prison and



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police authorities, including by electronic mode,
to ensure prompt compliance.

This Court has been assisted by Ms. Harshada RB, Law
Clerk, in the formulation of this judgment.



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(SURAJ GOVINDARAJ)
JUDGE

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