

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 292 OF 2015

Satish Dattatraya Patil

....Petitioner.

Versus

The State of Maharashtra & Anr.

....Respondents.

Mrs. K.P. Mutatkar, Advocate for petitioner. (appointed).

Mr. B.L. Dhas, APP for respondents.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 21st April, 2015.

ORDER :

1. The petition is filed to challenge the order made by respondent No. 2/authority by which the parole application of petitioner is rejected. It appears that due to some objection taken by one lady with regard to her rights over landed property, the application is rejected. The submissions made show that in the past, on many occasions, the petitioner was released on both parole and furlough leave. It appears that in view of some directions given by this Court to consider the said objection of the said lady, the objection was considered. The lady has expressed that there will be breach of conditions etc. due to release of the present petitioner on parole.

2. Though granting of parole leave is within discretion of the authority, the authority is expected to consider as to whether the release of the petitioner will create the danger to the public at large. There may be some private dispute between present petitioner and the persons from the side of original complainant. There cannot be any person who has no dispute with anybody in outside the world. As in the past, there was no allegation of misconduct against the petitioner, in anticipation the application cannot be rejected only on such ground.

3. The petitioner has given the ground that his father is suffering from chronic renal failure. In view of this circumstance, the application needs to be considered again. The authority will be at liberty to impose some conditions, if authority apprehends that some incident will occur in respect of agricultural land. Such condition can be imposed in respect of approach of the petitioner towards that land.

4. In the result, the petition is allowed. The impugned order dated 17.1.2015 passed by the respondent No. 2/authority is set aside. The matter is remanded back to the concerned authority for fresh decision. The application is to be decided

within 15 days from the date of this order. The fees of learned counsel Shri. K.P. Mutatkar appointed for the petitioner is quantified as Rs. 1500/- (Rupees fifteen hundred).

5. Authenticated copy is allowed.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/