

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.569 OF 2015

...
RAJU MAROTI SHINDE
VERSUS
THE STATE OF MAHARASHTRA
...

Advocate for Petitioner : Mr. Nitinkumar C. Swami, holding
for Mr. Swami C. Mahesh [Appointed]
APP for Respondent/State: Mr. A.V.Deshmukh
...

CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.
Dated: August 12, 2015
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PER COURT:

1] Heard the learned counsel appearing for the Petitioner. He submits that, the Petitioner is in Jail since last 7 Years. Though the Petitioner applied twice for release on furlough leave, and once for parole, his applications were rejected. Once again he applied for parole leave on 7th December, 2013. His application was kept pending since the report submitted by the concerned Police Station, was adverse to the petitioner. It is submitted that, the report submitted by the concerned Police Station ought to have been rejected. It is submitted that, the witnesses are residing far away from Bhokardan where the petitioner wants to live in case he is released on

parole. The offences, under which the petitioner is convicted, are committed at Beed, so there is no danger to the witnesses or members of the public, in case the petitioner is released on parole.

2] On the other hand, the learned APP appearing for the Respondent – State invited our attention to the averments in affidavit-in-reply filed on behalf of the Respondent No.1 by one Shri. Vijay Baburao Sonar, serving as Naib Tahsildar, in the office of Divisional Commissioner, Nashik Division, Nashik, and also another affidavit-in-reply filed on behalf of the Respondent No.3 by one Shri Vikas Bhagwan Kokate, working as Police Sub-Inspector [Probation], Bhokardan Police Station, District Jalna and submits that, the concerned Police Station Incharge inquired in respect of prisoner i.e. the petitioner herein, as to whether he can be released. The statements of the eye witnesses have been recorded, and those witnesses have stated that, the petitioner should not be released on parole. It is submitted by the witnesses that, if the petitioner is released on parole, there would be threat to their lives. There is also report submitted by the Police Patil of village Patoda, Taluka Georai, District Beed, informing the Police

Station Bhokardan that, if the petitioner is released on parole, there is possibility that he will assault the witnesses.

3] The learned APP also invited our attention to the additional affidavit-in-reply filed on behalf of the respondent No.2. It is stated in the said affidavit-in-reply that, the eye witnesses of the said case, in which the petitioner is convicted, have stated that, the petitioner should not be released on parole. The petitioner has convicted for the serious offences under Section 302, 354, 376, 120, 394, 397, 324 of IP Code. The report received from the Superintendent of Police is also to the effect that, the petitioner should not be released on parole. The deponent has taken a decision on 28th July, 2015 and rejected the prayer of the petitioner to release him on parole.

4] In the light of the avements in two affidavit-in-replies and one additional affidavit-in-reply filed by the Respondents, in our opinion, the prayer of the petitioner to release him on parole leave has rightly been rejected. No case is made out to interfere in the decision, rejecting the prayer of the petitioner for parole leave. Hence, Criminal Writ Petition stands rejected.

5] The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the Advocate appointed for petitioner as per its schedule of fees.

Sd/-

[A. I. S. CHEEMA, J.]

Sd/-

[S.S. SHINDE, J.]

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