

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

CRIMINAL WRIT PETITION NO. 765 OF 2015

SHARAD SHYAMSUNDAR PAWLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : Mrs. V.H. Sangole [Appointed]
APP for Respondent-State : Mr. K.S.Patil
...

CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.
Dated: July 28, 2015
...

PER COURT :-

1] Heard the learned counsel appearing for the Petitioner, and the learned APP appearing for the Respondent - State. Perused the reply filed by the respondent No. 1, and also annexure thereto.

2] It appears that, the report of the concerned Police Station is not favourable to the petitioner, inasmuch as it is stated in the said report that, if the applicant is released on parole leave, he may cause injury to the deceased victim's wife and children and he may cause disturbance of the public peace and to that effect statements of the Sarpanch of the village and deceased victim's wife have been recorded by the Police.

3] Therefore, considering adverse report, the prayer of the petitioner to release on parole leave has been rejected by the respondent authorities.

4] In our opinion, since report received is adverse, based on the statements of the Sarpanch of the village and deceased victim's wife, it is not desirable to interfere in the impugned order. Since the impugned order is based on an application dated 22nd October, 2014, we grant liberty to the petitioner to apply afresh.

5] Writ Petition is rejected with liberty to the petitioner to apply afresh for parole / furlough leave to the respondent authorities.

Sd/-

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

Sd/-

[S.S. SHINDE, J.]