

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

**CRIMINAL APPLICATION NO. 5972 OF 2015
IN
CRIMINAL WRIT PETITION NO. 1205 OF 2015**

Sarwar Baig Mustafa Baig
Convict No. C-6803

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Shri A. R. Salve, Advocate for the Applicant (Appointed).
Ms. Rashmi P. Gaur, A.P.P. for the Respondent/State.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 08TH DECEMBER, 2015.

PER COURT :

. A request is made from jail on behalf of applicant for grant of parole. Mr. Salve, the learned counsel is appointed through Legal Aid, who has prepared proper petition. The learned counsel submits that, initially petitioner was released on parole on 24.03.2015 on account of his daughter's illness for a period of 30 days. But since his daughter was not medically fit, he applied for extension of parole of 30 days. However, he was not communicated any decision on his application, therefore, he surrendered in the jail on his own on 24.04.2015. Thereafter, he

was communicated about grant of application for extension of parole on 13.05.2015. But as he had already surrendered, said order was of no avail. Thereafter, he file another application on 15.06.2015, however, no order is passed on the said application.

2. The learned Assistant Government Pleader submits that, even there are no documents substantiating the averments. The authorities after considering his application had granted extension of parole vide order dated 13.05.2015.

3. We have considered the submissions. On grant of first parole, the applicant *suo motu* surrendered on 24.04.2015 that is within the stipulated period. Though he had given application for extension of parole, the said application was not decided. So he surrendered on his own. The said application was decided on 13.05.2015 and was allowed. However, same could not come to the aid of the applicant, as he had already surrendered. In case genuine circumstances exists, the applicant may apply for parole, which would be considered by the authorities on its own merit. The criminal application is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]