

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

CRIMINAL WRIT PETITION NO.1437 OF 2015.

Babasaheb S/o Baban Raskar,
Aged 40 years, Occ.Agric.,
R/o Patwekar Galli,
Ahmednagar, Dist.Ahmednagar. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary,
Home Department,
Mantralaya, Mumbai-32.

2. The Deputy Chief Superintendent
of Prisons, (Western Division),
Yerwada, Pune-6.

3. The Jailor,
Kolhapur Central Prison,
Kalamba, Kolhapur.

4. The Divisional Commissioner,
Pune Division, Pune. ... Respondents.

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Mr.S.N.Patil, advocate holding for Mr.N.V.Gaware,
advocate for the petitioner.
Mr.D.R.Kale, A.P.P for the State.

...

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

Date : 24.11.2015.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Rule. Rule returnable forthwith. With the consent of the parties, taken up for final hearing.

2. Vide the present Writ Petition, the petitioner seeks release on parole on account of the marriage of the daughter of the petitioner scheduled on 27.11.2015, so also to attend the ailing wife.

4. We have heard learned counsel for the petitioner. According to the learned counsel, the petitioner is ready to give two sureties and the petitioner be released on parole, so as to attend marriage of his daughter scheduled on 27.11.2015 and also to attend his ailing wife. The medical certificate to that extent is annexed.

5. Mr.Kale, learned A.P.P. Submits that earlier when the petitioner was released on parole, he absconded for a period of ten (10) years. The past record of the petitioner is not good. Even the statements are recorded of the victim's heirs, who have submitted that earlier when the petitioner was released on parole, he had given threats to them. The application of the petitioner seeking parole is rejected on 23.11.2015 for the said reasons.

6. The petitioner is convicted for an offence punishable U/s 302 of the I.P.C. It is also a matter of record that earlier the petitioner had absconded for a period of ten (10) years. It appears that the marriage of the petitioner's daughter is scheduled on 27.11.2015. The petitioner has also annexed the medical certificates about the ailment of the wife. The apprehension of the authorities can be taken care of by imposing conditions upon the petitioner. Considering the reasons given, we are of the opinion that the petitioner can be granted parole for three (3) days with effect from 26.11.2015 to

28.11.2015. Hence, we pass the following order :

- a) The petitioner Babasaheb S/o Baban Raskar, be released on parole for a period of three (3) days with effect from 26.11.2015 to 28.11.2015 (both days inclusive). The petitioner shall surrender to his parole on 29.11.2015. The petitioner shall attend Kotwali Police Station twice a day i.e. in between 9 and 10 a.m and 5 and 6 p.m. The petitioner shall give two sureties.
- b) The Criminal Writ Petition is disposed of in above terms.
- c) Authenticated copy be given.

(V.K.JADHAV, J.)

(S.V.GANGAPURWALA, J.)

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