

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1529 OF 2015

Bhikubhai Dayaram Thanki

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mrs. Smita R. Kadu i/b. K.G.Kadu for the Petitioner.

Mrs. P.H.Kantharia, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : APRIL 17, 2015.**

P.C.

1. The petition is filed for grant of parole for the marriage of the petitioner's daughter for the period of 15 days.
2. The learned Counsel for the petitioner submits that the petitioner is a life convict under the MCOC Act and at present is undergoing imprisonment at Yerwada Central prison, Pune. She further states that since last 9 years, the petitioner has not availed either parole or furlough and for the first time the petitioner applied for parole on the ground of his daughter's marriage. However, his

application is not decided by the Divisional Commissioner of Police.

3. Mrs. Kantharia, learned APP submitted that the petitioner's application is kept pending since no report is received from the Porbunder police.

4. The petitioner has annexed the marriage card of his daughter at Exhibit A to the petition. The marriage card reveals that the petitioner's daughter is getting married on 21st April, 2015. As per Rule 19 of the Prison (Bombay Furlough and Parole) Rules, 1959 the marriage of the children of the prisoner is one of the ground of parole.

5. Therefore, in our opinion, the petitioner would be entitled for temporary parole. Accordingly, we dispose of the petition by passing the following order.

i) The respondents are directed to release the petitioner on parole for period of four days commencing from 19th April, 2015 to 22nd April, 2015 (both days inclusive). The petitioner be escorted plain clothes. The petitioner shall bear the expenses of the escort.

6. Meanwhile, the Divisional Commissioner of Police, Pune is directed to process the petitioner's application for parole dated

2.4.2015, copy of which is annexed at Exhibit B, and decide it in accordance with law within period of 10 days from the date of receipt of this order.

7. Parties to act on the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)