

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL WRIT PETITION NO.364 OF 2015

Arun S/o Gulab Gawli (In Jail)
Aged about 63 years,
R/o Gitai Society, Dagdi Chawl,
Baburao Jagtap Marg, Byculla (W),
Mumbai – 11.
(Presently lodged in Nagpur Central Prison)
Convict No.8535.

..... **Petitioner.**

:: versus ::

1. The Divisional Commissioner,
Office of Divisional Commissioner,
Nagpur.
2. Assistant Commissioner of Police,
Agripada Division, Satrashta,
Mumbai – 11.
3. The Superintendent,
Nagpur Central Prison, Nagpur..

..... **Respondents.**

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Shri Anil S. Mardikar, Senior Counsel with Shri R.V. Vyas, Counsel for the
Petitioner.
Mrs. Bharti Dangre, Public Prosecutor for the Respondents/State.

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**CORAM : A. B. CHAUDHARI &
P.N. DESHMUKH, JJ.**

DATED : APRIL 30, 2015

ORAL JUDGMENT : (Per : A.B. CHAUDHARI, J.)

1. **Rule.** Rule is made returnable forthwith. Heard the petition by

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consent of the learned counsel for the rival parties.

2. This petition is filed by the petitioner – prisoner for grant of parole leave in view of the marriage of son of the petitioner to be held on 9.5.2015 at Mumbai.

3. It is not in dispute that the petitioner, after order of conviction dated 31.8.2012, never availed of the furlough or parole leave. It is further not in dispute that as a under trial from years 2008-12 he was in jail and was never released on bail and as such continued to be in jail. There is no complaint about his conduct.

4. The application of the petitioner for grant of parole leave was rejected by the competent Authority on the ground that if the petitioner is released on parole leave, the possibility of he committing cognizable offence cannot be ruled out. We find that the order by the competent Authority does not show any material on the basis of which the said inference was drawn and the application for grant of parole leave was rejected.

5. We have, therefore, issued notices to the respondents yesterday and called upon the respondents to clarify the position.

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Today, Mrs. Bharti Dangre, learned Public Prosecutor, upon instructions from the concerned Authorities and the Police Station, makes a categorical statement that the respondents do not have any record after petitioner's arrest or conviction which would be adverse to his claim for grant of parole leave.

6. We, therefore, think that the apprehension is not well-founded. That apart, since the marriage of son of the petitioner is scheduled to be held on 9.5.2015, the petitioner being the father of the bridegroom ought to be allowed to attend and participate in the marriage function which is an important event in life of a person.

7. In view of above, we think the petitioner should be allowed parole facility for marriage purpose only for a period of 15 days (fifteen days). We, therefore, make the following order :

ORDER

i) Criminal Writ Petition No.364 of 2015 is allowed.

ii) Upon petitioner's executing P.R. Bond and

surety to the satisfaction of the competent Authority, the petitioner / prisoner is directed to be released on parole leave for a period of 15 days (fifteen days).

iii) The petitioner / prisoner shall attend Agripada Police Station, Mumbai on every alternate day between 08:00 a.m. and 09:00 a.m.

iv) Needless to state that the period of 15 days (fifteen days) shall commence from the date of the actual release of the petitioner from jail.

v) **Hamdast is allowed.**

JUDGE

JUDGE

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