

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

CRIMINAL WRIT PETITION NO.369 OF 2016

Parmeshwar Dagdu Hanvate

Age: 24 Yrs., occu. Nil

R/o Jevli, Tq. and Dist.Latur

- PETITIONER

VERSUS

- 1) The State of Maharashtra
Through Shivaji Nagar Police
Station, Latur, Dist.Latur.
- 2) The Superintendent of Prisons,
Central Prison, Nashik.
- 3) The Divisional Commissioner,
Nashik Division, Nashik.
- 4) The Commissioner,
Nashik.

- RESPONDENTS

Mr.Kailas B.Autade, Advocate for Petitioner;

Mr.SJ Salgar, APP for Respondents.

**CORAM : R.M.BORDE &
 P.R.BORA,JJ.**

DATE : 27th April, 2016.

ORAL JUDGMENT (PER:- R.M.BORDE,J.)

1) Heard. Rule. Rule made returnable
forthwith with the consent of the parties.

2) An application tendered by the petitioner

for release on parole has been turned down by the Divisional Commissioner, Nasik. It is recorded in the impugned order that if the accused/petitioner is released on parole, there is likelihood of occurrence of breach of peace and the witnesses, who deposed against him during the trial, are apprehensive of their safety.

3) It is not a matter of dispute that mother of the petitioner is suffering from ailment and require medical attention and is also expected to undergo surgical procedure. The grounds stated by the petitioner come within the purview of Rule 19 of The Prison (Bombay Furlough and Parole) Rules, 1959. Father of the petitioner has undertaken to furnish surety in the event the petitioner is released on parole. In this view of the matter, on imposition of the condition to the effect that the petitioner shall not enter village Jevli and that he shall stay at Tuljapur during the period of his release on parole and will report to Police Station, Tuljapur every day, the petitioner shall be released on parole.

4) It would be open for the authorities to direct the submission of surety and impose conditions in consonance with the Rules of 1959. The respondents/authorities shall pass order directing release of the petitioner on parole subject to conditions those may be imposed, including the condition as referred to above, as expeditiously as possible and preferably within a period of fifteen days from today.

5) Rule is accordingly made absolute in above terms with no order as to costs.

Sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/