

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

CRIMINAL WRIT PETITION NO. 991 OF 2016

Balaji Ganpati Kure
(Convict No. C-8937) ...Petitioner

VERSUS

The State of Maharashtra
and others ...Respondents

.....

Shri G.D.Jain, advocate (appointed) for petitioner
Shri A.R.Borulkar, A.P.P. for respondents

.....

**CORAM : S.S.SHINDE
AND
SANGITRAO S.PATIL, JJ.**

DATED : 24.08.2016

PER COURT :

Rule. Rule made returnable forthwith,
heard with the consent of the parties.

2. Being aggrieved by rejection of the
application of the petitioner for grant of parole,
this petition is filed.

3. The application is rejected only on the ground that the petitioner has surrendered belatedly when he was earlier released on parole/furlough. However, it is to be noted that the petitioner has surrendered himself and was not required to be arrested. In so far as surrendering belatedly is concerned, the petitioner must have already been penalized for late surrender.

4. In that view of the matter, we are inclined to allow the petition in part. Respondent no.2 is directed to reconsider the prayer of the petitioner for releasing him on parole, as expeditiously as possible, however, within two weeks, without raising the grounds which were already raised while rejecting his application for releasing him on parole.

5. Petition is partly allowed. Same stands disposed of on above terms.

6. Rule is made absolute.

7. Needless to observe, since G.D.Jain, advocate is appointed in this matter as Amicus Curiae to prosecute the cause of the petitioner through the High Court Legal Services Sub Committee, Aurangabad, his fees shall be paid by the said Committee as per the Schedule of Fees maintained by the said Committee.

(SANGITRAO S. PATIL, J.) (S.S.SHINDE, J.)

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