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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2479 OF 2015

Bhausahab Ankush Gade ... Petitioner
vs.
The State of Maharashtra ... Respondent

Mrs. Nasreen S.K. Ayubi, Advocate appointed for the petitioner.
Mrs. A.S. Pai, APP for the respondent/State.

**CORAM: MRS. V.K. TAHILRAMANI &
MRS. MRIDULA BHATKAR, JJ.**

JUNE 7 , 2016.

ORAL ORDER (Per Mrs. V.K. Tahilramani, J.)

Heard both sides. Rule. By consent, rule is made returnable forthwith.

2. The petitioner had preferred an application for parole on the ground of illness of his mother. The said Application came to be rejected on 6th August, 2014. The grievance of the petitioner is that though he preferred an Appeal against the order of rejection of his Application of parole, the said Appeal has not been decided by the State Government. However, it is seen that after the petitioner preferred this present Petition, the State Government dismissed the Appeal preferred by the petitioner on 17th August, 2015. The reason for rejection is that the mother of the petitioner

was only asked to get herself checked from Oncosurgeon. The medical papers annexed by the petitioner did not show that the mother of the petitioner was required to be operated or was advised any treatment in relation to cancer. Hence, the Appeal was dismissed. Moreover, it is seen that earlier when the petitioner was released on furlough on 3rd September, 2012, he did not report back in time. Ultimately, he had to be traced and arrested by the police and brought back to the prison. On this occasion, there was overstay on the part of the petitioner of 194 days. In view of all these facts, the Application of the petitioner for parole was rejected and the Appeal was dismissed.

3. Today, it would not be possible to grant parole to the petitioner on the medical certificate relied upon by the petitioner. Hence, we are not inclined to grant parole.

4. In view of the above, Rule is discharged.

5. Office to communicate this order to the petitioner who is in Nashik Road Central Prison. The fees to be paid to the appointed counsel are quantified at Rs.2,000/-.

(MRS. MRIDULA BHATKAR,J.) (MRS. V.K. TAHILRAMANI, J.)