

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3772 OF 2016

Shakir Ahmed Abdul Hamid Khan @ Kalu ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr.Rahul Arote for the Petitioner
Mr.H.J. Dedia, APP, for Respondent - State

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

DATE: NOVEMBER 23, 2016

ORAL JUDGMENT (PER SMT.V.K. TAHILRAMANI, J.):

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith and the matter is heard finally.
3. The petitioner has preferred an application for parole on the ground of illness of his wife, i.e., his wife was required to undergo knee surgery. The said application was rejected by order dated 4.6.2015. Being aggrieved thereby, the petitioner preferred appeal. The said appeal was dismissed by order dated 5.1.2016 hence, this petition.

4. The application of the petitioner for parole came to be rejected because he is aggressive in nature and, therefore, there is threat to people and society. However, the nominal role of the petitioner which is prepared by the Jailor shows that the petitioner was earlier released on parole on 3 occasions and on all the occasions, he reported back to the prison in time. Nothing was brought to our notice about any untoward incident during the period that the petitioner was on parole on these three occasions. The learned Counsel for the petitioner further brought to our notice that the daughter of the petitioner is getting married in December, 2016 and the functions relating to the marriage are on 9.12.2016 and 11.12.2016. The learned APP has stated that the fact that the daughter of the petitioner is getting married has been verified and indeed, she is getting married in December, 2016.

5. In view of the above facts, we are inclined to grant parole to the petitioner for a period of 30 days on the petitioner complying with the necessary formalities. He be released on parole for a period of 30 days. The learned Counsel for the petitioner states that they will comply with the formalities by 1.12.2016. In this view of the matter,

the petitioner on complying with the necessary formalities, be released on parole latest by 5.12.2016 for a period of 30 days.

6. Rule is made absolute in the above terms.
7. Parties to act on an authenticated copy of the order.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)