

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.4314 OF 2016

Vijay Babasaheb Nanavare ... **Petitioner**

V/s.

The State of Maharashtra ... **Respondent**

■ ■ ■ ■ ■

Ms.Rohini M. Dandekar, Advocate for the Petitioner.

Mr.H.J.Dedia, APP for the Respondent/State.

□ □ □ □

**CORAM : SMT.V.K.TAHILRAMANI &
A. M. BADAR JJ.**

DATED : 22nd DECEMBER 2016.

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

1 Heard both sides.

2 Rule. Rule is made returnable forthwith and the
matter is heard finally.

3 The petitioner is seeking parole on the ground of
ailment of his father. The application seeking parole was
made on 06/01/2016. It was rejected by order dated
08/06/2016. Being aggrieved thereby the petitioner preferred
appeal which was dismissed by order dated 19/09/2016,
hence this petition.

4 The application of the petitioner for parole came to be rejected on the ground that father of the petitioner is being treated on OPD basis and no medical reports relating to the tests undergone by the father of the petitioner have been produced and no date of surgery is given. The medical certificate relied upon by the petitioner shows that the father of the petitioner, who is 72 years old, is suffering from Osteoarthritis and eye problem. The genuineness of this medical certificate is not doubted by the prosecution. In fact, the order of rejection also shows that father of the petitioner is suffering from problem with his eyes. However, the application of the petitioner was rejected on the ground that the surety is not competent to keep a check on the petitioner. As far as this aspect is concerned, the jail nominal roll of the petitioner, which is produced by the jail authority shows that on three occasions, the petitioner was released on furlough and he has reported back to the prison on his own. He was released on furlough on 20/12/2012 and he reported back to the prison one day late. Thereafter, on 20/10/2014 he was released on furlough and he reported back to the prison in time. Thereafter, he was released on furlough on 12/03/2016

and he reported back to the prison though one day late. The petitioner was also released on furlough on 06/10/2015. He reported back to the prison on his own though after a period of three days. The petitioner was also released on parole on two occasions and it is seen that he has reported back to the prison on his own though after a delay of one day and three days.

5 Looking to the fact that on six occasions, the petitioner has been released on furlough and parole and he has reported back to the prison on his own and sometimes though there was delay in reporting back, it was only one or maximum three days, on humanitarian ground, we are inclined to grant parole to the petitioner.

6 The petitioner be released on parole on usual terms and conditions as set out by the competent authority. Accordingly, Rule is made absolute in above terms.

7 Office to communicate this order to the petitioner, who is in Nashik Road Central Prison.

(A. M. BADAR J.) (SMT. V. K. TAHILRAMANI J.)