

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 633 OF 2017**

Matin Nabib Shaikh]
Age Adult, Occ: Nil,]
Residing Baban Londe Chawl,]
Mahatma Phule Road, Bhosari, Pune]
(At present in Kalamba Central]
Prison, Kolhapur)].. Petitioner

Vs.

1. The State of Maharashtra]
Through the Secretary]
Home Department, 2nd floor,]
Main Building, Madam Cama Marg]
Mantralaya, Mumbai-400 032]
]]
2. The Divisional Commissioner,]
Vidhan Bhavan, Pune-411001]
]]
3. The Superintendent,]
Kalamba Central Prison,]
Kolhapur].. Respondents

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Mr. B.G. Tangsali Advocate i/b Mr. Santosh S. Musale Advocate
for Petitioner
Mr. H.J. Dedia A.P.P. for the State

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**CORAM : SMT.V.K.TAHILRAMANI AND
REVATI MOHITE DERE, JJ.**

DATED : MARCH 24, 2017

ORAL JUDGMENT [PER SMT. V.K.TAHILRAMANI, J.]:

1 Heard both sides.

2 The petitioner preferred an application for parole on
the ground of illness of his wife. The said application came to
be rejected by order dated 10.5.2016. Being aggrieved
thereby, the petitioner preferred an appeal. The said appeal
came to be dismissed by order dated 29.11.2016, hence, this
petition.

3 It is the case of the petitioner that his wife is suffering
from 'chronic appendicitis' and she needs to be operated.
Reliance is placed on medical certificates to show that she is
suffering from appendicitis and she requires surgery.

4 The jail record of the petitioner shows that on
13.7.2015 he was released on parole and he returned back in
time. The medical certificates and the medical reports clearly
show that the wife of the petitioner is suffering from 'chronic
appendicitis'. In this view of the matter, we are inclined to
release the petitioner on parole for a period of 30 days. The
petitioner – Matin Nabib Shaikh to be released on parole for a

period of 30 days on the usual terms and conditions as set out by the jail authorities. Petition is allowed. Rule is made absolute in above terms.

[REVATI MOHITE DERE, J.]

[SMT.V.K.TAHILRAMANI, J.]

Kandarkar