

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2027 OF 2017

Altaf Ali Mushtaq Ali SayedPetitioner
V/s.
State of Maharashtra & Ors.Respondents

Ms. H.Hussein i/by M/s. Bharat Vaishnawa & Co. , Advocate
for Petitioner.
Mr. H.J.Dedia, APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : June 21, 2017.

ORAL JUDGMENT : [Per Smt. V.K.Tahilramani, J.]

Heard both sides.

2 The Petitioner preferred application dated 16.3.2016 for parole on the ground of illness of his wife. This application was rejected on 17.6.2016. Being aggrieved thereby, the Petitioner preferred an appeal. The Appeal is dismissed hence, this Petition.

3 Maximum sentence of imprisonment imposed on

the Petitioner is 10 years. Reason for rejecting the application of the Petitioner for parole is that he is convicted in a case relating to bomb blast and if the Petitioner is released on parole, he will not report back to the prison. The second reason for rejecting application of the Petitioner for parole is that surety may not be able to keep check on the Petitioner if he is released on parole.

4 We find that both the reasons have been given without any basis. Jail record of the Petitioner shows that on 2.8.2013, he was released on parole and the Petitioner reported back on the due date on his own. Thereafter, the Petitioner was released on parole on 30.1.2015 and the Petitioner has reported back to the prison on the due date on his own. In addition, the Petitioner was released on furlough on 3 occasions i.e, on 28.7.2014, 31.12.2014 and 22.1.2016 and on all three occasions, the Petitioner reported back to the prison on due date on his own. Moreover, same surety who has been proposed at present had stood surety on the earlier occasions. Therefore, both the grounds of rejection have been made without any basis

for the same.

5 In view of the above facts and looking to the medical certificates of the wife of the Petitioner, we are inclined to release the Petitioner on parole for a period of 30 days. The Petitioner to be released on parole for a period of 30 days on the usual terms and conditions as imposed by the Competent Authority.

6 Rule is made absolute in the above terms.

(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)