

## WRIT PETITION NO. 2813 OF 2017

- Mr.Omkar Gopal Nagwekar for the Petitioner.
- Mr.Arfan Sait, A.P.P. for the Respondents-State.

**DATE : 7<sup>th</sup> SEPTEMBER, 2017.**

2] The Petitioner preferred an application for parole on ground of illness of his mother. The said application is dated 17/05/2016. The said application came to be rejected by order dated 23/09/2016. Being aggrieved thereby the Petitioner preferred an appeal. The said appeal was dismissed by order dated 13/02/2017; hence this petition.

3] The application of the Petitioner for parole came to be rejected mainly on the ground that the complainant/witness Smt.Sushma Prakash Bhoir has stated that there is danger to her life, if the Petitioner is released on parole. It is stated that if the Petitioner is released on parole, there may be problem of law and order. Learned APP pointed out that Smt.Sushma Prakash Bhoir has also applied for police protection.

4] In view of the above facts, the application of the Petitioner came to be rejected mainly on ground that the Petitioner as well as the complainant and witnesses are residents of the same area. As far as this ground is concerned, it is noticed that Smt.Sushma Prakash Bhoir is a resident of Kalwa, Thane; whereas the mother of the Petitioner is residing at Airoli in Navi Mumbai. The apprehension of the authority can be taken care of by imposing appropriate conditions on the Petitioner.

5] In view of the above and in view of the 'Medical Certificate' of the mother of the Petitioner, which shows that she needs to undergo Coronary Angiography, we are inclined to release the Petitioner on parole of 30 days on the terms and conditions as set

out by the competent Authority. However, in addition, condition is imposed on the Petitioner that during the period of parole, he shall not enter Thane District.

6] Rule is made absolute in above terms.

**(DR. SHALINI PHANSALKAR-JOSHI, J.) (SMT. V.K. TAHILRAMANI, J.)**