

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3378 OF 2017

Mrs.Saraswati Abhijit Babar	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

Ms.Apeksha Vora, for the Petitioner.
Mr.Deepak Thakare, PP a/w Mr.Arfa Saith, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI &
M.S.KARNIK, JJ.**

08th NOVEMBER, 2017

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

1. Heard both sides.

2. The petitioner, wife of the prisoner -Abhijit Babar has preferred this Petition with prayer that her husband i.e. prisoner Abhijeet Babar may be released for 90 days on parole in order to consummate marriage and for procreation of progeny out of the said marriage.

3. Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959 sets out when parole can be granted to prisoners. Rule 19 is as under :

19. When a prisoner may be released on parole.

A prisoner will be released on parole for such period not exceeding thirty days at a time as the Competent Authority referred to in rule 18 in its discretion may order, in case of serious illness or death of nearest relative such as father, mother, brother, sister, spouse, children or marriage of brother, sister and children of prisoner or pregnant woman prisoner for delivery (except high security risk prisoner) or in case of natural calamity such as house collapse, floods, fire earthquake. No such parole or extension of parole shall be granted without obtaining a police report in all cases except in the case of death of his nearest relatives mentioned above:

Provided that, a prisoner shall not be released on parole for the period of one year after the expiry of his last parole except in case of death of his nearest relative mentioned above.

4. Thus, it is seen that on the ground on which the parole is being sought is not one of the grounds on which the prisoner can be released on parole. Hence, we cannot entertain this Petition. Rule is discharged.

5. However, if the prisoner Abhijit Babar has a good ground for being granted parole, he may make an application to

the concerned authority. The concerned authority to consider the said application as expeditiously as possible.

(M.S.KARNIK, J.)

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