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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4774 OF 2017

Suleman Moiddin Shaikh	...Petitioner
V/s	
The State of Maharashtra & others	...Respondents
.....	
Mrs. Farhana Shah, Advocate for the petitioner.	
Mrs. G.P. Mulekar, A.P.P. - State.	
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**CORAM : SMT. V.K. TAHILRAMANI &
M.S.KARNIK, J.J.**

DATE : 28th NOVEMBER, 2017.

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

The petitioner has preferred an application for parole on the ground of marriage of his brother which is on 6/12/2017 at Hotel Orient, Maulana Shaukat Ali Road, Near Shalimar Cinema, Grant Road (E), Mumbai - 400 007. Learned Counsel for the petitioner states that the application for parole was preferred on 25/9/2017. The time stipulated for the authorities to decide an application for parole is 45 days, however, though the period of 45 days has elapsed, till today the application has not been decided.

2. Learned APP states that the application could not be decided because the police report is not received. However, she relied on the police report which was filed earlier when the petitioner had filed application for furlough. In that police report it was stated that there would be danger to the life of the complainant who is residing in Nagpada area. She stated that the venue of the marriage is almost in the same locality as the locality where the complainant resides. Hence, she prayed that the petitioner may not be granted parole.

3. Looking to the fact that the marriage is to take place on 6/12/2017 and looking to the above facts, we are not inclined to release the petitioner on parole at this stage, however, we are inclined to direct the authorities to take the petitioner under escort to the venue on 6/12/2017. The petitioner is in Kolhapur Central Prison, Kalamba, Kolhapur, at present. He be shifted to Arthur Road Central Prison, Mumbai, by 4/12/2017 and on 6/12/2017, the petitioner be sent by Arthur Road Central Prison, Mumbai, to the venue. The jail

authorities and police to ensure that the petitioner reaches the venue by 6.30 p.m. on 6/12/2017 and after attending the marriage, at 11.00 p.m., the escorting party shall leave the venue and bring the petitioner back to Arthur Central Prison, Mumbai. From there the petitioner may be transferred to Kolhapur Central Prison, Kalamba, Kolhapur, as and when convenient to the prison authorities. In view of the fact that the parole application was not decided within the stipulated time period, the petitioner shall not be made to pay for the escort.

4. Rule is made absolute in above terms.

5. Learned APP undertakes to communicate the said order to the prison authority at Kolhapur Central Prison, Kalamba, Kolhapur and Arthur Road Central Prison, Mumbai.

6. Parties to act on the authenticated copy of this order.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI J.)