

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.616 of 2017
(Mukesh s/o. Rajeshrao Sakatel .vs. State and another)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.N.P.Meshram, Advocate for the petitioner.
Mr.Ambarish Joshi, A.P.P. for Respondent Nos. 1 and 2.

**CORAM : SMT. VASANTI A NAIK &
M. G. GIRATKAR, JJ.**

DATE : 18.8.2017.

By this Criminal Writ Petition, the petitioner challenges the order passed by the Divisional Commissioner, dt.8.6.2017 and seeks his release on parole leave.

On hearing the learned Counsel for the parties and on a perusal of the impugned order dt.8.6.2017, we find that the reason recorded by the Divisional Commissioner for rejecting the application of the petitioner for parole leave is not just and proper. If the father of the petitioner is ready to furnish surety, parole leave of the petitioner would not have been rejected by observing that there would be danger to the life and limb of the father and mother of the victim if the petitioner is released on parole leave. The petitioner's mother is ill and is suffering from severe Asthma. The reason for rejecting the application of the petitioner for parole leave does not appear to be just and proper.

Hence, we allow the Criminal Writ Petition. The impugned order is quashed and set aside. The respondents are directed to release the petitioner on parole leave for 30 days within seven days from which the relatives of the petitioner furnish surety as is required by the Rules. Order accordingly.

JUDGE

JUDGE

**jaiswal*