

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 696/2017

(MOHD. AZAM ASLAM BUTT (IN JAIL) **VERSUS** THE STATE OF MAHARASHTRA & ANOTHER)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri N.R. Tekade, counsel for the petitioner.
 Shri K.R. Lule, A.P.P. for the respondent/State.

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

DATE : AUGUST 11, 2017.

By this criminal writ petition, the petitioner challenges the order of the Divisional Commissioner, Nagpur rejecting the application filed by the petitioner for grant of parole leave.

The only ground for rejection of the application of the petitioner for parole leave is that though the petitioner is a permanent resident of Thane and he would be availing the leave at Thane, where his mother is sick and liable to be operated, the petitioner has given the names of the sureties that are residing at Nagpur.

It is stated on behalf of the petitioner that the petitioner would be ready to furnish the surety of the relatives residing at Thane and an order directing the respondent no.2 to pass an order granting parole leave may be passed.

Since the only ground for rejecting the parole leave of the petitioner is that the persons named by the petitioner for furnishing surety are the residents of Nagpur, whereas he would be availing the parole leave at Thane and since the petitioner is ready to provide the names of the

relatives who permanently reside in Thane for furnishing surety, the prayer made in the petition needs to be granted.

Hence, we dispose of the writ petition without disturbing the order of the Divisional Commissioner which appears to be correct and direct the Divisional Commissioner to pass an order granting parole leave to the petitioner if the relatives of the petitioner at Thane furnish the surety.

Order accordingly. No costs.

JUDGE

JUDGE

APTE