

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 14 OF 2018

Maruti Ramchandra Gholap
Age- Adult, Convict
Prisoner No. C/12035
Now Lodged in Yerwada Central
Prison, Pune 411 006

.. Petitioner

Vs.

1. State of Maharashtra
Through Ld Public Prosecutor
High Court, Mumbai.
2. The Superintendent,
Yerwada Central Prison, Pune
3. The Deputy Inspector General of Police
State of Maharashtra, Pune
4. The Inspector General of Prisons,
State of Maharashtra, Central Building,
Pune 4111001.

.. Respondents

Mrs.Latika Chitre, for the Petitioner.
Mr.Arfan Sait, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

19th JANUARY, 2018

ORAL JUDGEMENT (PER SMT. V.K.TAHILRAMANI ACTING C.J.) :

1. Rule. By consent, Rule is made returnable forthwith.
2. Heard both sides.
3. The petitioner preferred an application for parole on 10/01/2018 on the ground of marriage of his daughter which is to take place on 23/01/2018 at 12.45 p.m. at Village – Kari, Taluka – Bhore, District – Pune. The said application was rejected by order dated 15/01/2018. Being aggrieved thereby, the petitioner preferred an Appeal. The Appeal was dismissed by order dated 18/01/2018, hence this Petition.
4. Learned APP states that the application of the petitioner came to be rejected on the ground that earlier when he was released on parole in the years 2005, 2006 & 2016, he did not report back in time and there was delay of 171, 1743 & 30 days respectively in reporting back to the prison. In view of these facts, it is apprehended that if the petitioner is released on parole, he will abscond and will not report back to the prison. It is further stated that when police made enquiry in Village – Kari,

Taluka – Bhor, it appeared that there was no marriage on 23/01/2018. Learned Counsel for the petitioner states that offence was committed by the petitioner against the villager in Village – Kari, hence, the villagers are on enemical terms with the petitioner, hence they may not have given correct information. However, in view of the case of the petitioner that his daughter is getting married on 23/01/2018 at the above mentioned place, we are of the opinion that on humanitarian ground, the petitioner be allowed to attend the marriage at Village – Kari under police escort. Cost of the escort to be borne by the petitioner. However, it is directed that escort shall be in plain clothes. The escorting party shall take the petitioner to Village – Kari on 23/01/2018 so as to reach Village Kari at 9.30 a.m.. After the marriage is over latest by 5.00 p.m., the escorting party shall leave the Village – Kari and bring the petitioner back to Yerwada Central Prison where he was lodged the same night.

5. Rule is made absolute in the above terms.

6. Authenticated copy be furnished to the parties.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)