

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 860 OF 2017**

Machindranath Gurunath Mali	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Ms Rohini Dandekar – Advocate Appointed for Petitioner.
Mrs. G. P. Mulekar – APP for Respondent – State.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &
M. S. SONAK, J.**

DATE : 03 MAY 2018

ORAL JUDGMENT: (Per: SMT. V. K. TAHILRAMANI, Acting C. J.)

- 1] Heard both sides.

- 2] The petitioner had preferred application for parole on 22nd April 2016 on the ground of illness of his mother. The said application was rejected by order dated 23rd September 2016. Being aggrieved thereby, the petitioner preferred an appeal. The appeal was dismissed by order dated 23rd December, 2016, hence, this petition.

- 3] In order to show that the mother of the petitioner is suffering from serious medical problem and she requires

hospitalization, the petitioner has relied on the Medical Certificate issued by Sai Health Care (Multi Specialty Hospital) situated at Dombivali (West), which is in District Thane. The said certificate shows that the mother of the petitioner is suffering from hypertension, diabetes, mellitus, hyperthyroidism with ischemic heart disease and it is stated that she requires hospitalization.

4] The certificate relied on by the petitioner does show that the mother of the petitioner requires hospitalization. The jail record of the petitioner shows that on 18th June 2016, the petitioner was released on furlough and the petitioner has reported back to the prison on due date on his own.

5] The learned APP placed reliance on the order of rejection which shows that though the concerned police station did not raise any objection about releasing the petitioner on parole. However, witness Umesh Vasant Dhumale has objected to the petitioner being released on parole on the ground that if the petitioner is released on parole there may be danger to his life.

6] As stated earlier, the petitioner was released on furlough on 18th June 2016 to 10 July 2016. During this period, there is no record to show that the petitioner has indulged in giving threat to the said witness or that the petitioner has indulged in any activity which was illegal in nature or has caused any law and order problem.

7] Looking to the jail record of the petitioner and on humanitarian ground, we are inclined to grant parole to the petitioner. The petitioner be released on parole for a period of 30 days on the usual terms and conditions to be imposed by the sanctioning authority.

8] Rule is made absolute in above terms.

9] Office to communicate this order to the petitioner who is in Nashik Road Central Prison.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA