

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3180 OF 2018**

Pyarelal Shridhar Keer @ PahalwanPetitioner
versus
The State of Maharashtra through Chief Secretary,
Home Department, Mantralaya, Mumbai and ors.Respondents

Mrs. Aisha Z. Ansari, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 16th OCTOBER, 2018.

P. C. :

Heard learned counsel for the petitioner and learned APP for the State.

2. The writ petition is filed for extension of the period of parole of the petitioner by 30 days. The petitioner preferred criminal writ petition No.2955 of 2017 in this Court challenging the order rejecting his parole application. This petition came to be disposed of by an order dated 2nd November, 2017 and the petitioner was directed to be released on parole on the usual terms and conditions. In pursuance of this order, the competent authority passed an order dated 28th November, 2017, wherein the petitioner was released on parole for a period of 30 days on usual terms and conditions as set out by the competent authority. The petitioner challenged these conditions by filing

writ petition No.1352 of 2018. This petition was disposed of by the Division Bench by its order dated 18th April, 2018. It was observed that the authority cannot insist on the surety furnishing documents relating to the immovable property owned by him and if he can produce any one of the documents like 7/12 Extract or title documents of the residential property of the surety or salary certificate or income tax returns, it would be sufficient. The petitioner, thereafter, was released on parole on 22nd June, 2018, for the period of 30 days and this period admittedly expired on 23rd July, 2018. During this period, the petitioner made an application on 11th July, 2018, for extension of parole before the Divisional Commissioner and this application was rejected on 27th July, 2018. Meanwhile, the petitioner surrendered to Nashik Prison on 7th August, 2018.

3. The learned counsel for the petitioner submitted that petitioner surrendered late by 15 days because of his mother's illness. She submitted that the petitioner would be satisfied if extension of parole is granted for 15 days for the period from 24th July, 2018 to 6th August, 2018. Learned APP, on instructions, submitted that, at the most, the petitioner is entitled for extension of 15 days and the Court may pass appropriate orders.

4. Having considered the medical condition of the petitioner's mother, which is supported by certificate of the Doctor annexed at page 12 of the petition coupled with the provisions of Rule 19(2)(B)(iii) of the Maharashtra Prison (Mumbai Furlough and Parole) Rules 1989, we are of the opinion that the interest of justice would subserve, if the petitioner is granted extension of parole for the period of 15 days i.e. from 24th July, 2018 to 6th August, 2018. Ordered accordingly.

5. In the light of the above order, the writ petition is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]