

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4979 OF 2018

Firoz @ Akram Aamani Malik. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mrs. A. M. Z. Ansari and Nasreen Ayubi for the Petitioner.

Mrs. A. S. Pai, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **November 2, 2018.**

P. C. :

1. Heard the learned counsel for the Petitioner and learned APP for the Respondent-State. The petition is filed seeking direction to grant emergency parole to the Petitioner for the period of 14 days. There is no dispute that the Petitioner's sister died on 22nd September 2018 and the Petitioner is entitled to emergency parole. The Petitioner accordingly on 6th October 2018 made an application to the Superintendent of Nashik Road Central Prison for grant of parole. On 12th October 2018, the Superintendent of Nashik Road Central Prison passed an order granting Petitioner emergency parole for the period of seven days. The parole was granted on 13 conditions, which are enumerated in the said order.

2. The Petitioner is mainly aggrieved by conditions Nos. (viii) and (xii). By virtue of condition No.(viii), the Petitioner was obliged to give one independent surety of a person who is not his relative, in the sum of Rs. 20,000/-. By condition No.(xii), it is provided that this surety shall be given on or before 14th October 2018. The Petitioner could not arrange the surety within the period of two days. Therefore, the Petitioner approached the State Government. However, he could not succeed there. Ultimately, the Petitioner has filed this writ petition.

3. The Petitioner's right to be released on emergency parole is not in dispute. The Petitioner is mainly aggrieved about the time limit laid down within which he was required to furnish surety in the sum of Rs.20,000/-. The learned counsel for the Petitioner submitted that though the Petitioner could not arrange for the independent surety before 14th October 2018, as on today surety is ready with him. The learned counsel for the Petitioner also submitted that the Petitioner be granted 14 days leave to which he is entitled in accordance with law.

4. Learned APP on instructions makes a statement that if

the Petitioner gives surety as stipulated in the order dated 12th October 2018, she has no objection to release the Petitioner on emergency parole as the 40th day ritual of deceased sister of Petitioner falls on 4th November 2018.

5. In the light of above, we allow this petition by passing following order :

-. ORDER :-

[1] The Petitioner is directed to be released on emergency parole for the period of 14 days from the date of his release.

[2] He is granted this parole on the terms and conditions mentioned in the order dated 12th October 2018, copy of which is annexed at Exhibit-E to the petition, except condition No.(xii). In short, the Petitioner shall be released on emergency parole in the event he arranges for surety of Rs. 20,000/-.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]