

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 554 OF 2019

Vijay Kalu Patil,
Age : Major,
Presently Prisoner Convict No. C/10759
Nashik Road Central Prison, Nashik. ..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Home Affairs,
Mantralaya, Mumbai 400032
2. The Divisional Commissioner, Nashik
Nashik Road Central Jail, Nashik.
3. The Superintendent of Prison,
Nashik Road, Central Jail,
Nashik. .. RESPONDENTS

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Advocate for the Petitioner : Smt. Varsha M. Bhagwat
(Appointed)
A.P.P fore Respondent-State : Mr. K. S. Patil

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**CORAM :T.V. NALWADE AND
K.K. SONAWANE ,JJ.**

DATE : 13th JUNE, 2019.

ORAL JUDGMENT (PER T.V. NALWADE, J.)

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. The proceeding is filed to challenge the decision of respondent by which regular parole is refused. Petitioner is convicted for the offence of murder and he is undergoing imprisonment for life. He is behind the

bars for more than four years.

3. Reason is given that in the past on 19.06.2016 when he was granted parole, he had given threat to the witnesses of life and then they had made complaint that there was threat of life from the present petitioner. There is no other reason given for refusal of the present parole, regular parole. In the past, the reason of sickness of wife was given, now same illness is shown in today's certificate (photo copy) produced by the learned appointed counsel for the petitioner. The wife of the petitioner wants to undergo surgery of *dubic cervicitis* (PID) and for that the parole is claimed. Parole can be granted on such ground as per rule 19(2) of the The Prisons (Bombay Furlough and Parole) Rules, 1959

4. Whenever the prisoner like present petitioner is released on furlough or parole the witnesses ordinarily make complaints of aforesaid nature. Only Non cognizable offence was registered in the year 2016 and that cannot be ground for refusal of regular parole. There is specific purpose behind parole and furlough and to achieve that purpose, the scheme needs to be used by the respondent. So the order made by respondent dated 04.06.2018 is hereby set-aside. On the basis of certificate dated 20.05.2019 now produced before this Court, the prayer for regular parole is to be considered by the respondent and he needs to

be released on regular parole subject to routine conditions. In those terms, petition is allowed. The decision is to be communicated to the prisoner. The fees of the appointed counsel is quantified @ Rs.3000/ and it is to be paid through the High Court Legal Services Sub Committee, Aurangabad.

Authenticated copy is allowed to both the sides.

Rule is made absolute in those terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/