

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.664 OF 2019

IN

CRIMINAL APPEAL NO.99 OF 2014

Roshan Anant Sawant

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Manohar Rajput a/w Mr. Siddhesh Rajput for the Applicant.

Mrs. M.H. Mhatre, APP for the Respondent.

**CORAM : B. P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : 2/05/2019.

P.C.:

. Applicant prisoner in jail since 2013 has moved this application for grant of temporary bail as marriage of his real sister is scheduled on 7/5/2019.

2. Learned APP has verified the facts. The fact of marriage is not in dispute. She however has invited our attention to parole and furlough Rules particularly Rule 19(1) to show that applicant ought to have applied for parole so that necessary formalities could have been completed.

3. Learned counsel for the applicant has no instructions. However, he submits that as applicant was released on furlough recently he might not have applied for parole.

4. The record produced by learned APP shows that applicant has

enjoyed furlough leave upto 8/11/2018 and reported on 9/11/2018 that is on due date. Rule bar release on parole within 6 months of the release on furlough. However, Rule 19(1) makes an exception and in case of emergency, parole can be granted. Emergency as stipulated therein includes contingency of marriage of sister.

5. The fact that applicant was released on furlough and has reported back on due date reveals that there is nothing adverse against him with the Respondent. In this situation, taking overall view of the matter we are inclined to direct Respondent to release him on parole immediately after completing necessary formalities as per procedure stipulated in Rule 19(1).

6. Parties to act upon authenticated copy of this order.

7. The Application is accordingly disposed of.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)