

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

WRIT PETITION NO.185 OF 2018

Imran Shabbir Gauri

...Petitioner

vs.

The State of Maharashtra

...Respondent

Mr.Shantanu R. Phanse for the Petitioner.

Mrs. P. P. Shinde, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.
DATE : 08/04/2019.**

P.C.:

. The petitioner convict under section 376(2) (i) of IPC read with section 67(b)(2) of Information Technology Act and section 4 of POCSO Act, 2012 seeks parole. Learned counsel (appointed) submits that parole has been sought on the ground of illness of wife and victim herself has given affidavit stating that as convict father was against her love with neighbour, she implicated him in a false case. She also points out that other daughter has shown readiness and willingness to be surety, if parole is granted.

2. Learned APP points out that Rules prohibit release on parole under this offence. Similarly the alleged ill-health of wife in 2016 has not remained relevant at this stage. She further points out that later application moved by the petitioner for grant of furlough has also been rejected by suitable orders.

3. We find that application for release on parole was moved on

9/11/2016. Thus, ill-health of wife of the petitioner about 29 months back cannot be relevant now. As such without observing anything more, we dismiss the application.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)