

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 649 OF 2018

Abdul Asaruddin Shaikh ... Petitioner

Versus

State of Maharashtra ... Respondents

None for the Petitioner.

Mrs.M.H. Mhatre, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
P.D. NAIK, JJ.
DATE : MARCH 20, 2019

P.C.:

Heard learned APP for the State.

2. Learned APP submits that communication dated 15/10/2017 sent by the prisoner is before this Court. With the assistance of the learned APP, we have perused the papers. It appears that the parole application preferred by the petitioner was rejected and that rejection formed subject matter of Criminal Writ Petition No.3010 of 2016. This Court in that petition on 28/9/2016 granted 30 days parole subject to two sureties in the sum of Rs.50000/- each. This condition could not be satisfied and hence, the prisoner moved Criminal Application No. 200 of 2017. On 6/6/2017 this

Court brought down the amount of Rs.50,000/- to Rs.20,000/-.

3. After this order, letter has been forwarded on 5/10/2017 which was received by the Criminal Department of High Court on 6/2/2018.

4. Learned APP has pointed out that parole was sought on the ground of illness of mother. This parole granted about 3 years back, is being pressed into service now. It appears that thereafter the prisoner has not been released either on furlough or even on parole. Learned APP upon instructions states that no fresh application was submitted by the prisoner.

5. The illness of mother about three years back cannot now be pressed into service. The prisoner has to place on record appropriate documents pointing out the health of mother. Learned APP has submitted that the prisoner is from Jharkhand and hence, verification of the documents made available on his behalf requires some time.

6. We in this situation, are inclined to grant the prisoner liberty of applying afresh either for parole or furlough in accordance with law. If such application is filed by the prisoner within a period of four weeks from the date of communication of this order to him, it shall be dealt with as per law by the

competent authority within next six weeks.

7. With these directions, we dispose of the present writ petition.

8. Registry to communicate this order to the prisoner in jail.

(P.D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)