

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

**WRIT PETITION NO.2362 OF 2019**

Akshay Ganesh Shinde

...Petitioner

vs.

Superintendent of Prison/Jailor Nashik  
Central Jail, Nashik and Anr.

...Respondents

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Ms. Megha S. Bajoria for the Petitioner.  
Mrs. P. P. Shinde, APP for the Respondents.

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**CORAM : B. P. DHARMADHIKARI &  
PRAKASH D. NAIK, JJ.  
DATE :24/04/2019.**

**P.C.:**

. Prisoner is seeking parole on account of death of his daughter on 19/4/2019. Leave sanctioned on 20/4/2019 for a period of 14 days is subject to payment of charges of police escort. According to the petitioner the charges worked out to over Rs.5 Lakhs and he is not in position to pay the same.

2. Learned APP has pointed out the finding in the order that 7 production warrants were issued by Sion Police station are entered in Register-3 and the prisoner is a deserter. According to her the prisoner was absconding even during trial.

3. The fact that 7 production warrants were issued by Sion Police Station or then the finding that the prisoner is deserter/absconder has not been assailed in the present petition.

4. Considering the fact that the daughter who has expired is married daughter we are inclined to release the prisoner on parole for a period of three days i.e. 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> day after the death for attending religious functions. Same shall however be subject to furnishing necessary bond, undertaking and sureties as also charges in accordance with rules. If the directions are complied with, the respondent shall release the prisoner on such parole leave. Accordingly, application is partly allowed and disposed of.

5. At this stage learned counsel for the petitioner upon instructions states that the period of three days allowed by this Court may be taken from tomorrow i.e. from 25/4/2019.

6. Learned APP has no objection if the terms and conditions as observed by this Court are complied with. We therefore direct the respondent to release the prisoner on parole leave on 25/4/2019, 26/4/2019 and 27/4/2019 subject to his fulfilling the terms and conditions including the deposit of amount as mentioned supra before his release.

7. Needless to mention that the prisoner has to report back on 28/4/2019 and this order therefore shall cease to operate after the mid night of 27/4/2019.

8. Parties to act on the authenticated copy of this order.

**(PRAKASH D. NAIK, J.)**

**(B. P. DHARMADHIKARI, J.)**