

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 5306 OF 2018**

Mahesh Suresh Patil ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Adv Harjeet Kaur for the petitioner.

Mr. Arfan Sait, APP for the State.

Mr. P.S. Shinde, Jailor II, Kolhapur Central Prison, Kolhapur present.

**CORAM : B.P. DHARMADHIKARI &**  
**MRS.SWAPNA JOSHI, JJ.**  
**DATE : JULY 17, 2019**

**P.C.:**

Heard respective counsel.

2. Counsel for the petitioner states that she has recent medical certificate which does not show any improvement in the health of mother. We find that parole was sought on the basis of certificate dated 23/7/2018 wherein Dr. Pethkar has advised surgical operation hysterectomy as early as possible.

3. The order passed by the Divisional Commissioner on 05/02/2018 is obviously prior to the certificate mentioned supra

and therefore, it is not relevant. The appellate order is dated 09/08/2018 and it refers to the application dated 04/06/2018 moved by the prisoner. This application again is prior to the medical certificate mentioned supra.

4. During the arguments, counsel for the petitioner has submitted that for the alleged late reporting offence under section 224 of IPC was registered and he has been acquitted of it. It is also submitted that in other criminal matter to which reference has been made in the order dated 05/02/2018, the competent court has released him on bail. She also submits that the petitioner is ready and willing to furnish proper surety.

5. We find that even the certificate which is being relied upon before this court is now one year old. If the petitioner has got any recent certificate, we grant him leave to apply afresh with the said certificate and necessary documents. If such application is received within two weeks from today, the authority shall consider it as per law within next four weeks.

6. With these directions, we dispose of the writ petition.

**(MRS.SWAPNA JOSHI, J.)**

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