

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No. 404/2018.

**(Sunil Tulshiram Tekam, Amravati Vs. Deputy Inspector General of Prison, Eastern Region,
Nagpur & Anr.)**

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs. S.P.Dhotre, Advocate for petitioner.
Ms. N.R.Tripathi, APP for State.

CORAM : P.N.DESHMUKH & MRS. PUSHPA V. GANEDIWALA, JJ.

DATE : 06.06.2019.

Heard learned counsel for the petitioner and learned
APP for State.

This petition is for issuing directions to respondents to
release the petitioner on Parole, who is undergoing sentence for the
offence punishable under Section 302 of the Indian Penal Code for
life.

The learned counsel for the petitioner submitted that the
petitioner be granted Parole for 28 days to visit his family and
contended that though the petitioner was earlier required to be
arrested and brought back to prison, this time he undertakes to
surrender on due date and thus submits that the application be
allowed by imposing suitable conditions on undertaking.

The learned APP submitted reply on record where from
it is revealed that lastly, the petitioner was released on Parole leave
for 15 days in March, 2013, when he did not surrender and was
brought back to prison after 33 days. It is also found from the reply
that in 2011, the petitioner was again arrested and brought in
prison after 126 days and thereafter in 2012, after 171 days. The

petitioner is found released on Furlough leave on two occasions and Parole leave on two occasions. All four times, he did not surrender and was arrested.

In view of the law laid down by the Division Bench of this Court in the case of **Murlidhar Ramchandra Bhelrao Vs. State of Maharashtra & Anr. [2011 ALL MR(Cri) 2132]**, no case is made out to release the petitioner on Parole leave, even after considering undertaking, if any to be supplied by him.

Application is therefore rejected.

The Writ Petition, therefore, stands disposed off as dismissed.

JUDGE

JUDGE