

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Criminal) No. 562 of 2020**

- Suresh @ Ram Lal S/o Ludar Bag Aged About 33 Years R/o Santoshi Ward, Near Chamda Godown, Bodhghat, Police Station Bodhghat, District Bastar, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Home (Jail), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. The Jail And Correctional Services Chhattisgarh The Director General Prisoner, Jail Road, Raipur, District Raipur, Chhattisgarh,
3. Jail Suprrintendent, Central Jail, Jagdalpur, District Bastar, Chhattisgarh
4. State Of Chhattisgarh Through The Collector/ District Jagdalpur, District Bastar, Chhattisgarh
5. Superintendent Of Police Jagdalpur District Bastar, Chhattisgarh

---Respondents

For Petitioner	: Smt. Smriti Shrivastava, Advocate
For Respondents/State	: Shri Ravi Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

23.11.2020.

1. The petitioner's application for grant of parole has been rejected by The District Magistrate, Bastar (C.G.) vide order dated 02.9.2020 against which, this writ petition has been preferred.
2. Learned counsel for the petitioner submits that the application for grant of leave/parole has been rejected by an unreasoned order passed on 02.9.2020, which runs contrary to the principle of law laid down by this Court in the matter of **Santhram Sinha Vs. State of Chhattisgarh** (WPCR No.182/2015, decided on 07.01.2016) and **Rakesh Shende Vs. State of Chhattisgarh** in WPCR No.29/2016 decided on 18.11.2016, therefore the said impugned order deserves to be set

aside.

3. Learned counsel for the State supports impugned order.

4. Heard and considered the rival contention of learned counsel for the parties and also perused paragraph 'kha' of the impugned order dated 02.9.2020 passed by District Magistrate, Distt. Bastar. Careful reading of the impugned order reveals the apprehension expressed by parents of the victim and the victim herself and also the report of the concerned Station House Office apprehending untoward incident, the application for parole has been rejected.

5. As per the law laid down by this Court in the matters of **Santram Sinha (supra)** and **Rakesh Shende (Supra)**, in the case in hand, the record do not suggest that petitioner's release is detrimental to public interest as this aspect has not been considered by District Magistrate.

6. Learned counsel for the State undertakes that learned District Magistrate, would pass a fresh order in accordance with law within ten days from the date of receipt of the order of this Court.

7. In view of his submission, the order dated 02.9.2020 is hereby quashed and the District Magistrate, Bastar is directed to consider the case of the petitioner afresh and pass a reasoned order within 10 days from the date of presentation of certified copy of this order, in accordance with law.

8. With the aforesaid observations/ directions, the writ petition stands disposed off.

Sd/-

(Sanjay K. Agrawal)

JUDGE