

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Criminal) No. 568 of 2020**

- Mahadev S/o Mehattar Aged About 38 Years R/o Village Bilori, Police Station Parpa, Jagdalpur, 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 Superintendent 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 14.5.2020 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 14.5.2020, 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 the impugned order dated 14.5.2020 passed by District Magistrate, Distt. Bastar at Jagdalpur.

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 the 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 14.5.2020 is hereby quashed and the District Magistrate, Bastar at Jagdalpur 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.

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Sd/-

(Sanjay K. Agrawal)

JUDGE