

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 623 of 2020

- Naresh @ Natwa S/o Shankar Yadav Aged About 45 Years Prisoner Number 26/59 R/o Village Pasta, District Balrampur Ramanujganj Chhattisgarh. Through Babalal S/o Ramvihar Aged 35 Years, R/o Village Pahad Kathua Police Station Rajpur District Balrampur Ramanujganj Chhattisgarh.

----- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Home Department, Mantralaya Mahanadi Bhawan New Raipur Chhattisgarh.
2. Collector / District Magistrate Balrampur Ramanuganj District Balrampur Ramanujganj Chhattisgarh.
3. Superintendent of Police Balrampur District Balrampur Ramanujganj Chhattisgarh.
4. Jail Superintendent Central Jail Ambikapur, District Surguja Chhattisgarh.

----- Respondents

For Petitioner :- Mr. Shakti Raj Sinha, Advocate.
For State/Respondent :- Mr. Ravi Bhagat, Dy. G.A.

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

09/12/2020

1. Heard.

2. The present writ petition is filed against the impugned order by which the petitioner's application for grant of leave/parole has been rejected.

3. Learned counsel for the petitioner would submit that only on the adverse report of the Superintendent of Police the concerned District Magistrate has rejected the petitioner's application without assigning any lawful reason which is absolutely unjustified and passed the impugned order without following the direction issued by this Hon'ble Court in the case of **Rakesh Shende vs. State of C.G.** in **WPCR No.29/2016** decided on **18.11.2016**. He would also submit that there is no such reason assigned by the concerned District Magistrate that the petitioner's release on parole would be detrimental to public interest and only on the basis of apprehension petitioner's right to release on parole cannot be rejected.

4. Mr. Ravi Bhagat, learned State counsel, would

support the impugned order.

5. I have heard learned counsel for the parties considered their rival submissions made hereinabove and went through the records with utmost circumspection.

6. A careful perusal of the impugned order, it appears that merely on the ground that the petitioner is likely to abscond and also on apprehension of his abscondance, petitioner's application has been rejected.

7. In the impugned order, no reason has been assigned by the concerned District Magistrate as to why the petitioner is not entitled for grant of parole and also no finding has been given that the petitioner's release on parole would be detrimental to public interest.

8. Accordingly, impugned order is set aside and the matter is remitted to the concerned District Magistrate to decide the petitioner's application in accordance with law afresh.

9. The writ petition is allowed to the extent indicated hereinabove. No costs.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit