IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 1906 of 2020

==========

SANDIP ARVINDBHAI BARIYA

Versus

STATE OF GUJARAT

==========

Appearance:
THROUGH JAIL(50) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3
MS C.M. SHAH, APP for the Respondent(s) No. 1

==========

CORAM: **HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

Date : 23/06/2020

ORAL ORDER

1. Heard learned Additional Public Prosecutor Ms. C.M. Shah for the respondent- State through video conference.

2. Rule. Ms. C.M. Shah, learned Additional Public Prosecutor waives service of Rule on behalf of the respondent-State.

3. This application is filed through jail seeking parole leave for a period of 30 days in connection with C.R. No.I- 72 of 2016 registered with Harni Police Station, Vadodara. The applicant- convict has prayed for parole leave so as to enable him to file appeal before the High Court.

4. Learned Additional Public Prosecutor appearing for the respondent has opposed this application on the ground that offences punishable under Section 376 of the Indian Penal Code r/w. Protection of Children from Sexual Offences Act, 2012 are registered against the applicant.

5. On perusal of the jail report, it appears that the applicant is in jail since 2016 and during such period, he had never been released. His conduct in jail is also reported to be good.

6. Considering the overall facts and circumstances of the case, the application requires consideration and the same is allowed. The applicant - convict shall be released on **parole leave** for a period of **10 (ten) days**, from the date of his actual release, on usual terms and conditions. The applicant – convict shall mark his presence **every day** before the concerned Police Station. The applicant to surrender before Jail Authority on completion of parole leave, without fail.

7. Upon completion of such period, when the applicant surrenders, he shall be tested for COVID-19 virus test by the jail authorities and till the report comes, he will be kept in seclusion and / or at a quarantine place.

8. Rule is made absolute to the aforesaid extent.

9 The Registry is directed to communicate this order to the concerned Court/authority by Fax or E-mail.

(BHARGAV D. KARIA, J)

PALAK BRAHMBHATT/AMAR RATHOD