

(1)

928,930,932,935to938,941to943,945,946&948

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.922 OF 2020

Vandanabai w/o Devrao Jadhav
Age Major, R/o at post Sugaon,
Tq.Lohva, Dist.Nanded (Petitioner
is wife of convict) (Devrao s/o Ramrao
Jadhav C-8746) At present Harsool
District Central Prison,Aurangabad
Age Major, Occ.Nil, R/o at present
Harsool Central Prison,Tq.Dist.
Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

Adv.Smt.Sharda P.Chate for petitioner.
APP. Smt.R.P.Gaur for respondents State.

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CRIMINAL WRIT PETITION NO.924 OF 2020

Kailash S/o Damu Gaikwad-C-8294
Age Major, Occ.Nil, R/o at present
Harsul Prison,Tq.Dist.Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department

(2)

928,930,932,935to938,941to943,945,946&948

Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.
APP. Shri.R.D.Sanap for respondents State.

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CRIMINAL WRIT PETITION NO.926 OF 2020

Akshay S/o Bhimrao Kapate C-9011
Age Major, Occ.Nil, R/o at present
Harsul Prison,Tq.Dist.Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.
APP. Smt.VN.Patil Jadhav for respondents State.

....

CRIMINAL WRIT PETITION NO.929 OF 2020

Suman w/o Kashiram Tate
Age Major, R/o Hadco,New Nanded
Dist.Nanded (Petitioner
is daughter of convict) (Convict Ramrao
S/o Devrao Jadhav) At present Harsool

(3)

928,930,932,935to938,941to943,945,946&948

District Central Prison,Aurangabad
Age 84, Occ.Nil, R/o at present
Harsool Central Prison,Tq.Dist.
Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.
APP. Shri.V.S.Badakh for respondents State.

....

CRIMINAL WRIT PETITION NO.930 OF 2020

Radhabai w/o Govind Jadhav
Age Major, R/o at post Sugaon,
Tq.Lohva, Dist.Nanded (Petitioner
is wife of convict) (Govind s/o Ramrao
Jadhav C-8726) At present Harsool
District Central Prison,Aurangabad
Age Major, Occ.Nil, R/o at present
Harsool Central Prison,Tq.Dist.
Aurangabad.

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

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928,930,932,935to938,941to943,945,946&948

....

Adv.Smt.Sharda P.Chate for petitioner.

APP. Smt.R.P.Gaur for respondents State.

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CRIMINAL WRIT PETITION NO.931 OF 2020

Avinash S/o Santosh Pimple C-7926

Age Major, Occ.Nil, R/o at present

Harsool Prison,Tq.Dist.Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.

APP. Shri K.S.Patil for respondents State.

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CRIMINAL WRIT PETITION NO.932 OF 2020

Ashok S/o Kashiram Tate

[convict Sulochanabai Ramrao Jadhav
Harsool Jail]

Age Major, Occ.Labour work

R/o Hadco, New Nanded.

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool

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928,930,932,935to938,941to943,945,946&948

Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.

APP. Shri R.D.Sanap for respondents State.

....

CRIMINAL WRIT PETITION NO.935 OF 2020

Dinkar S/o Shriram Chaudhri C-8463

Age Major, Occ.Nil, R/o at present

Harsul Prison,Tq.Dist.Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra

through its Home Department

Mantralaya,Mumbai

2]The Superintendent of the

Central Prison, Harsool

Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.

APP. Shri S.P.Tiwari for respondents State.

....

CRIMINAL WRIT PETITION NO.936 OF 2020

Kalekhan S/o Lalkhan Pathan C-8925

Age Major, Occ.Convict, R/o at present

confined in Central Prison Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra

Through Superintendent

Central Prison,Aurangabad.

..RESPONDENT

....

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928,930,932,935to938,941to943,945,946&948

Adv.Shri R.A.Jaiswal for petitioner.
APP. Shri A.B.Chate for respondent State.

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CRIMINAL WRIT PETITION NO.937 OF 2020

Shivaji S/o Eknath C-9014
Age Major, Occ.Nil, R/o at present
Harsul Prison,Tq.Dist.Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.
APP. Shri V.S.Badakh for respondents State.

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CRIMINAL WRIT PETITION NO.939 OF 2020

Jaibunissa Shaikh Amzad
[convict Javid Khan Washim Khan C-8781)
brother of petitioner
Age Major, Occ.Nil, R/o at present
Harsul Prison,Tq.Dist.Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

(7)

928,930,932,935to938,941to943,945,946&948

....

Adv.Smt.Sharda P.Chate for petitioner.
APP. Smt.R.P.Gaur for respondents State.

....

CRIMINAL WRIT PETITION NO.940 OF 2020

Ramesh S/o Asaram Nathbhajan
Age Major, Occ.Convict, R/o at present
confined in Central Prison Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
Through Superintendent
Central Prison,Aurangabad.

..RESPONDENT

....

Adv.Shri R.A.Jaiswal for petitioner.
APP. Shri K.S.Patil for respondent State.

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CRIMINAL WRIT PETITION NO.942 OF 2020

Amol s/o Sominath Dhakne C-7747
Age Major, Occ.Nil, R/o at present
Harsul Prison,Tq.Dist.Aurangabad

.. PETITIONER

Versus

1]The State of Maharashtra
through its Home Department
Mantralaya,Mumbai

2]The Superintendent of the
Central Prison, Harsool
Dist.Aurangabad.

..RESPONDENTS

....

Adv.Smt.Sharda P.Chate for petitioner.
APP. Smt.VN.Patil Jadhav for respondents State.

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**CORAM : T.VNALAWADE &
MANGESH S. PATIL, JJ.
DATE : 25.08.2020**

ORAL JUDGMENT [PER T.VNALAWADE,J.] :-

Rule. Rule is made returnable forthwith. By consent both sides heard for final disposal.

2] In all these matters, simple relief of direction is claimed. The petitioners are prisoners and it is their contention that they are eligible for consideration of granting emergency parole. It is their contention that they have given applications for releasing them on emergency parole. It is contended that under Notification dated 8/5/2020 of the State Government they are entitled to such parole but their applications are not yet decided. It appears that the dates of some applications are 7/8/2020 but some applications are dated 18/8/2020 also. For ordinary parole some time frame is prepared by the State Government and the period of 45 days is fixed in that time frame. Though such time is there a committee is constituted to give criteria for giving emergency parole in view of the situation created by the pandemic. So, it has become necessary to expeditiously dispose of such applications. We are hereby giving directions to the respondents to see that the applications of the prisoners are decided within 15 days from the date of receipt of this order.

3] It is the policy of the Government to consider and release prisoners as

per guidelines of the committee constituted for granting emergency parole under aforesaid notification. Unnecessarily many matters are being filed for setting aside either the order of rejection of parole applications or for taking directions from this Court that the applications filed by the prisoners are decided expeditiously. If it is the policy of the Government to take out the eligible prisoners from the prison to avoid spreading of Covid-19 virus and for saving the lives of such prisoners, then in such circumstances, it is always desirable for the respondents to consider all the eligible prisoners and pass order for giving them option to come out of jail on emergency parole. If they avail emergency parole then it can be presumed that their sentence has been suspended. That will save the time of everybody and that will also show that there is uniformity and transparency. This Court hopes that the respondents in future take such steps so that the transparency is achieved and allegations of corruption are avoided.

4] In aforesaid terms, the Petitions are allowed. Rule is made absolute in above terms.

[MANGESH S. PATIL, J.]

[T.V.NALAWADE,J.]

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