

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

951. CRIMINAL WRIT PETITION NO. 944 OF 2020

Rajebhau s/O Sudam Tengse,
age major occupation nil – convict accused No. C-8920
R/o at present confined in Central Prison, Aurangabad

...Petitioner

VERSUS

The State of Maharashtra
Through : the Jail Superintendent,
Central Prison, Aurangabad

...Respondent

Mr. Mahesh P. Kale, Advocate for petitioner
Mr. P.N. Kutti, Addl. Public Prosecutor for Respt./State

CORAM : T.V. NALAWADE &

M.G. SEWLIKAR, JJ.

DATE : 9th September, 2020

ORAL JUDGMENT : (Per : T.V. NALAWADE, J.)

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The present proceeding is filed to challenge the order made by the respondent on 8th August 2020 by which the application

which was given for emergency parole is rejected. This court has carefully gone through the said order. Reason given in the said order is that in the past he was released on furlough on one occasion and he turned up in time but he had not availed either furlough or parole on the second occasion in the past and so he is not entitled due to the condition mentioned in the Notification dated 8th May 2020.

3. This Court had occasion to consider the said notification and interpreted the said notification. There is a condition that for getting the benefit of this notification, prisoner must have availed either furlough or parole at least on two occasions in the past and he ought to have returned in prison in time. This Court has interpreted this proviso in the case of *Kavita W/o Dilip Baviskar Vs. the State of Maharashtra, in Cri. Writ Petition No. 571 of 2020* that this condition is there only to ensure that the prisoner will return back in time. The basic condition that he has been behind the bars for more than three years, is satisfied in the present matter and so this Court holds that the order made by the respondent against the petitioner cannot sustain in law.

4. In the result, the petition is allowed. The order made by

the respondent is quashed and set aside. The respondent is hereby directed to release the petitioner on emergency parole, as provided in Government Notification dated 8th May 2020, with usual terms and conditions. Rule is made absolute in those terms.

Sd/-
(M.G. SEWLIKAR)
JUDGE

Sd/-
(T.V. NALAWADE)
JUDGE

Madkar