

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

935 CRIMINAL WRIT PETITION NO.1000 OF 2020

Gopal s/o. Shivram Jadhav
Convict No.9000,
Age: Major, Occu.: Convict,
R/o. At present confined
at Central Prison, Aurangabad.

..Petitioner

VERSUS

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

..Respondent

...
Advocate for Petitioner : Mr.Rupesh A. Jaiswal
APP for Respondent-State : Mr.P.N.Kutti

...
**CORAM : T.V.NALAWADE &
M.G.SEWLIKAR, JJ.**

DATE: 15th September, 2020

ORAL JUDGMENT:- (Per: T.V.Nalawade J.)

1. Rule. Rule made returnable forthwith. By consent of both the sides, heard the matter for final disposal.
2. Present proceeding is filed to challenge the order made by the respondent on 17.05.2020 by which the application of the petitioner for emergency parole is rejected. The ground given is that the petitioner had not availed either parole or furlough leave even on single occasion in the past.

3. This Court has interpreted the Government Notification dated 08.05.2020 in many matters in the past. This Court has laid down that such condition in the Notification, that the prisoner ought to have been released at-least on two occasions in the past and he returned in time, is there only to ascertain that the prisoner will return to Jail in time.

4. In the present matter, it appears that the petitioner was never released either on parole or furlough in the past. Thus, inference cannot be drawn that he will not return back to Jail in time. As this interpretation has already made by this Court in its earlier decision, the present petition is allowed. The order of the respondent dated 17.05.2020 is hereby set aside. The application filed by the petitioner for grant of emergency parole is hereby allowed. He is to be released on emergency parole on usual terms and conditions within 7 days.

5. Rule is made absolute in the above terms.

6. While putting condition of surety, the financial condition of the petitioner needs to be kept in mind by the respondent.

(M.G.SEWLIKAR)
JUDGE

(T.V.NALAWADE)
JUDGE