

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

CRIMINAL WRIT PETITION NO.1002 OF 2020

Sunil s/o. Shyam Bharti	..Petitioner
Vs.	
The State of Maharashtra	..Respondent

Mr.R.A.Jaiswal, Advocate for petitioner
Mr.B.V.Virdhe, APP for respondent

**CORAM : T.V. NALAWADE AND
R.G. AVACHAT, JJ.
DATE : SEPTEMBER 22, 2020**

ORAL JUDGMENT (*PER T.V. NALAWADE, J*):-

Rule. Rule made returnable forthwith. By consent, heard finally at the stage of admission itself.

2. This proceedings is filed to challenge the order made by the respondent on 17.05.2020. By that order, emergency parole is refused, as parole is not permitted under notification dated 08.05.2020. A copy of the said order dated 17.05.2020 is produced on record.

3. It appears that the reason for rejection of emergency parole is that second case is pending against the petitioner and due to that, he is not eligible. Due to this mention, this Court had asked

learned APP to see that the Jail authority shall produce on record the papers of the second case against the petitioner. Today, a report of the Jail Superintendent is produced, which shows that no such second case is pending against the present petitioner.

4. Perusal of the circumstances show that the reason for rejection of emergency parole is not correct. Otherwise, the petitioner is eligible to get emergency parole under the aforesaid notification. The information submitted shows that on 31.08.2020, the petitioner had undergone the sentence of 3 years, 5 months and 20 days. In view of these circumstances, this Court holds that emergency parole needs to be granted to the petitioner.

5. In the result, the petition is allowed. The order made by the respondent dated 17.05.2020, is quashed and set aside. Emergency parole is granted in favour of the petitioner as per the notification dated 08.05.2020. He be released on emergency parole within seven days, on usual terms and conditions.

6. Rule is made absolute in the above terms.

[R.G. AVACHAT, J.]
kbp

[T.V. NALAWADE, J.]