

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1012 OF 2020

Dalsing @ Gajanan s/o Dadarao Dhdare
age major, occ. Nil
r/o AT Present Harsool District Prison
Dist. Aurangabad.

Petitioner

Versus

1. The State of Maharashtra
Through its Home Department
Mantralaya, Mumbai.
2. The Superintendent of Harsool District Prison
Dist. Aurangabad.

Respondents

Mrs. Sharda Chate, Advocate for the petitioner.
Mr. S.P. Tiwari, APP for respondents.

AND
CRIMINAL WRIT PETITION NO. 1016 OF 2020

Javed s/o Dastgir Kazi
age major, occ. Nil
r/o At present Harsool District Prison
Dist. Aurangabad.

Petitioner

Versus

1. The State of Maharashtra
Through its Home Department
Mantralaya, Mumbai.
2. The Superintendent of Open Prison Paithan
Dist. Aurangabad.

Respondents

Mrs. Sharda Chate, Advocate for the petitioner.

Mr. P.N. Kutti, APP for respondents.

WITH
CRIMINAL WRIT PETITION NO. 1017 OF 2020

Ajay S/O Ramnath Dandge
(His father Ramnath s/o Dhondiram Dandge
Convict no. 8333, Central prison Aurangabad
age 20 year, occ. Agriculture
r/ Wrud Kazi, Tq. & Dist. Aurangabad

Petitioner

Versus

The State of Maharashtra
Through Superintendent
Central Prison, Aurangabad

Respondent

Mrs. Sharda Chate, Advocate for the petitioner.
Mr. G.O.Wattamwar, APP for respondent.

WITH
CRIMINAL WRIT PETITION NO. 1062 OF 2020

Sachn s/o Prahladd Kamble
age major, occ. Nil
r/o at Present Paithan Open District Prison
Dist. Aurangabad.

Petitioner

Versus

1. The State of Maharashtra
Through its Home Department
Mantralaya, Mumbai.
 2. The Superintendent of the open prison Paithan
Dist. Aurangabad.
- Respondents

Mrs. Sharda Chate, Advocate for the petitioner.
Mr. R.B. Bagul, APP for respondents.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 28th September, 2020.

JUDGMENT : (PER T. V. NALAWADE, J.)

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

2. All the matters are filed to challenge the orders made by respondent by which, emergency parole is refused to the petitioners-prisoners. The only reason given for refusal is that they have either not availed parole or furlough at any time in the past or that availed parole or furlough on one occasion only.

3. This Court has interpreted the Government notification dated 08.05.2020 which is made for granting emergency parole due to pandemic situation created by Covid-19 virus. This Court has held that only because a prisoner has not availed parole or furlough in the past, cannot be a reason for refusing emergency parole to him. This Court has held in the past that if a prisoner has become eligible to get furlough then the benefit of the notification needs to be given to the prisoner. In view of such interpretation made by this Court and previous order made by this Court, this Court holds that the orders made by respondent cannot sustain in

law.

4. In the result, all the petitions are allowed. Orders made by respondent refusing emergency parole are quashed and set aside. Applications filed for emergency parole by the petitioners stand allowed. They are to be released on emergency parole on usual terms and conditions within seven days from the date of this order.

5. Rule made absolute in above terms.

(M. G. SEWLIKAR)
NALAWADE)
Judge

(T.V.
Judge

dyb