

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

**CRIMINAL WRIT PETITION NO. 1112 OF 2020**

Sunil S/o Jogiram Chandaliya,  
 Age : 31 years, Occ. Agril.,  
 R/o : Salampurenagar,  
 Pandharpur, Aurangabad.

... PETITIONER

**VERSUS**

1. The State OF Maharashtra,  
 Through its Principal Secretary,  
 Home Department, Mantralaya,  
 Mumbai – 32
2. The Superintendent,  
 Aurangabad Central Prison,  
 Aurangabad.

.... RESPONDENTS

...  
 Mr. Murlidhar S. Karad Advocate for Petitioners  
 Mr. K. D. Mundhe, APP for Respondents

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**CRIMINAL WRIT PETITION NO. 1114 OF 2020**

Naresh @ Sonu S/o Jogiram Chandaliya,  
 Age : 36 years, Occ. Agril.,  
 R/o : Salampurenagar,  
 Pandharpur, Aurangabad.

... PETITIONER

**VERSUS**

1. The State OF Maharashtra,  
 Through its Principal Secretary,  
 Home Department, Mantralaya,  
 Mumbai – 32
2. The Superintendent,  
 Aurangabad Central Prison,  
 Aurangabad.

.... RESPONDENTS

...  
 Mr. Murlidhar S. Karad Advocate for Petitioners  
 Mr. A.V. Deshmukh, APP for Respondents

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

**DATE : 13<sup>th</sup> OCTOBER, 2020**

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

Rule. Rule made returnable forthwith. By consent heard learned counsel for both the sides for final disposal.

2. The present proceedings are filed to challenge the orders made by respondent No. 2 dated 23-09-2020. By the Orders, emergency parole is refused to the petitioners. The reason given for refusal is that the prisoners had not availed either parole or furlough on two occasions prior to 31-08-2020, therefore, the benefit of Government Resolution dated 08-05-2020 can not be granted to them. The submissions made and information supplied today show that as on 31-08-2020, both the prisoners-petitioners had undergone jail sentence of four years and some months. Under notification dated 08-05-2020, a condition is given that the prisoner ought to have been released on two occasions in past and he ought to have returned to jail in time. This Court has interpreted such condition and observed that the said condition has purpose to see that the prisoner will return to Jail in time, if he is granted emergency parole. In the present matter, prisoners-petitioners have completed more than four years and some months imprisonment. Therefore, they are eligible for consideration of emergency parole. In view of this circumstance, this Court holds that orders made by respondent No. 2 against the petitioners-prisoners cannot sustain in law.

3. In the result, Criminal Writ Petitions are allowed. The impugned orders are hereby quashed and set aside. The direction is hereby given to the authority concerned to release the petitioners-prisoners on emergency parole under Government Notification dated 08-05-2020, subject to usual terms and conditions, within seven days from the date of receipt of this order. Rule is made absolute in above terms. Parties to act upon authenticated copy of this order.

Sd/-

[ **M.G. SEWLIKAR** ]  
**JUDGE**

Sd/-

[ **T. V. NALAWADE** ]  
**JUDGE**

MTK