

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

**95 CRIMINAL WRIT PETITION NO. 1179 OF 2020**

Shivaji S/o. Bhojwantrao Shinde,  
 Convict No. 8442,  
 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 : Mr. A. V. Deshmukh

**96 CRIMINAL WRIT PETITION NO. 1180 OF 2020**

Sahebrao S/o. Munjaji Ingole,  
 Convict No. 8800,  
 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 : Mr. B. V. Virdhe

**97 CRIMINAL WRIT PETITION NO. 1181 OF 2020**

Vishnu S/o. Jaggannath Gund,  
 Convict No. 8437,  
 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 : Mr. S. J. Salgare

**98 CRIMINAL WRIT PETITION NO. 1186 OF 2020**

Chandrakant s/o. Vishwanath Solas, C-8238,  
 Age Major, Occu. Nil,  
 R/o. At present confined at  
 Central Prison Aurangabad.

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Petitioner

**Versus**

1. The State of Maharashtra  
 Through its Home Department  
 Mantryalaya, Mumbai

2. The Superintendent  
 of the Central Prison Harsool District  
 District Aurangabad

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Respondents

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Advocate for Petitioner : Ms. Sharda Chate  
 APP for Respondents : Mr. K. D. Mundhe

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**100 CRIMINAL WRIT PETITION NO. 1189 OF 2020**

Avdhoot s/o. Babu Giri,  
 Convict No. 8769,  
 Age Major, Occu. Convict,  
 R/o. At present confined at  
 Central Prison Aurangabad.

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Petitioner

**Versus**

The State of Maharashtra  
 Through Superintendent,  
 Central Prison Aurangabad.

..

Respondent

...

Advocate for Petitioner : Mr. Rupesh A. Jaiswal  
 APP for Respondent : Mr. P. G. Borade

...

**101 CRIMINAL WRIT PETITION NO. 1190 OF 2020**

Malhari s/o. Ranoji Warkad  
 Convict No. 8560,  
 Age Major, Occu. Convict,  
 R/o. At present confined at  
 Central Prison Aurangabad.

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Petitioner

**Versus**

The State of Maharashtra  
 Through Superintendent,  
 Central Prison Aurangabad.

..

Respondent

...

Advocate for Petitioner : Mr. Rupesh A. Jaiswal  
 APP for Respondent : Mr. R. D. Sanap

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

DATE : 15<sup>th</sup> OCTOBER, 2020

**JUDGMENT ( Per : T.V. Nalawade, J.) :-**

1. Rule. Rule is made returnable forthwith.
2. With consent heard both the sides for final disposal.
3. All the proceedings are filed for relief of quashing the order made by respondent, by which applications for emergency parole filed by petitioners-prisoners were rejected. In the orders reasons are given that they had not either availed furlough or parole even on single occasion or they had availed furlough or parole on two occasions. The reasons are given that they ought to have availed furlough or parole atleast two occasions and ought to have returned to jail in time as per the condition of Government Notification dated 08-05-2020. The submissions made and particulars submitted by the Superintendent of Jail show that on the relevant date the petitioners-prisoners had undergone imprisonment of more than three years, so they were eligible for consideration of granting emergency parole under aforesaid notification. This Court interpreted the condition under Government Notification dated 08-05-2020 and it is hold that if such eligible prisoner/s had not availed either furlough or parole in the past, that condition cannot come in his/their way to get emergency parole.

This Court holds that reasons given by respondent for rejection of emergency parole cannot sustain in law.

4. In the result, the Criminal Writ Petitions are allowed. The orders impugned in these Criminal Writ Petitions are quashed and set aside. The applications filed for emergency parole of the petitioners are hereby allowed. The respondent is hereby directed to release the petitioners 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. The proceedings are disposed of accordingly. Parties to act upon the authenticated copy of this order.

Sd./-

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

Sd./-

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

MTK