

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 1123 OF 2020

Bhaskar Reddy Subba Reddy Methu
(C no.8978), Age: 51 years, Occu: nil,
R/o. H.no. 1-19, Nalapadu, Ta & Dist. Guntur,
State of Andra-Pradesh
Presently under going sentence at Central
Jail at Harsul, Aurangabad.

... PETITIONER

VERSUS

1. The State of Maharashtra through its,
Home Department,
Mantralaya, Government of Maharashtra,
Mumbai.
2. The Superintendent of Central Jail Harsul,
Aurangabad.

... RESPONDENTS

...
Mr. S. A. Gaikwad, Advocate for Petitioner.

Mr. R. D. Sanap, APP for Respondents.

...

AND

CRIMINAL WRIT PETITION NO. 1235 OF 2020

Jitendra S/o Motilal Nirmal,
Convict no.8130,
Age: Major, Occ: Convict,
R/o At present confined
at Central Prison Aurangabad.

... PETITIONER

VERSUS

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

... RESPONDENTS

...
Mr. Rupesh A. Jaiswal, Advocate for Petitioner.
Mr. R. D. Sanap, APP for Respondents.

...

AND

CRIMINAL WRIT PETITION NO. 1300 OF 2020

Sachin S/o Neelkant More,
Convict no.8355,
Age: Major, Occ: Convict,
R/o At present confined
at Central Prison Aurangabad.

... PETITIONER

VERSUS

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

... RESPONDENTS

...
Mr. Rupesh A. Jaiswal, Advocate for Petitioner.
Mr. S. G. Sangle, APP for Respondents.

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CORAM : **T. V. NALAWADE &
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd November, 2020.

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

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

2 In all the three proceedings, the orders passed by the Respondent by which emergency parole, which is permissible under the Government notification dated 8th May, 2020, is refused by the Respondent.

3 In the first proceeding, the refusal is on the ground that the prisoner is not released in the past on any occasion. In the Government notification dated 8th May, 2020, there is a condition that the prisoner ought to have been released on furlough or parole in the past and on last two occasions, he must have returned to jail on his own in time. This Court has interpreted that condition and it is held by this Court that if the prisoner had not at all availed either furlough or parole in the past but he was otherwise eligible to get ordinary parole or furlough as he has completed three years of jail term, then such condition cannot come in his way to get emergency parole.

4 In the second and third proceedings, ground is given that the prisoner is residing out side of the State and due to that he is not eligible to get emergency parole. Other reason like he had not availed leave in the past is also there. In the Government notification dated 8th May, 2020, there was a condition that if the prisoner is ordinary

resident of other State, the benefit of notification is not to be given to him.

5 Today, the learned APP produced on record another Government notification dated 13th November, 2020 and it shows that this condition is deleted now. Thus, the prisoner, who is otherwise eligible, can get the benefit even if he is ordinary resident of other State. In view of these circumstances, this Court holds that in all the three matters, relief needs to be given to the prisoners, Petitioners. In the result, the following order is passed:

ORDER

- I. All the three petitions are allowed.
- II. The orders made by the Respondent against the Petitioners, are hereby quashed and set aside.
- III. The applications filed by the Petitioners for emergency parole under Government notification dated 8th May, 2020, are hereby allowed.
- IV. The Petitioners are to be released on emergency parole on usual terms and conditions within seven days from today.

V. Rule is made absolute in those terms.

Authenticated copy is allowed to both the sides.

ndm

[SHRIKANT D. KULKARNI, J.]

[T. V. NALAWADE, J.]