

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 CRIMINAL WRIT PETITION NO.1299 OF 2020

Ram S/o. Baliram Gaikwad,
 Convict No. 8494,
 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 – State : Mr. R. D. Sanap
 ...

34 CRIMINAL WRIT PETITION NO.1371 OF 2020

Haribhau Somnath Handge, C-67,
 Age Major, Occu. Nil,
 R/o. Aurangabad Open Prison, Aurangabad,
 Taluka and District Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra
 Through Secretary, Home Department,
 State of Maharashtra, Mantralay, Mumbai.
2. The Superintendent
 of the Central Prison, Harsul,
 Taluka and District Aurangabad. .. Respondents

...
 Advocate for Petitioner : Mr. Ravindra Nirmal
 APP for Respondents – State : Mr. K. S. Patil
 ...

35 CRIMINAL WRIT PETITION NO.1373 OF 2020

Maroti Vithal Honrao, C-8805,
 Age Major, Occu. Nil,
 R/o. Harsul Prison, Aurangabad,
 Taluka and District Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary, Home Department,
State of Maharashtra, Mantralay, Mumbai
2. The Superintendent
of the Central Prison, Harsul,
Taluka and District Aurangabad. .. Respondents

...

Advocate for Petitioner : Mr. Ravindra Nirmal
APP for Respondents – State : Mr. S. G. Sangale

...

38 CRIMINAL WRIT PETITION NO.1376 OF 2020

Mahadev Shankar Patekar, C-8435,
Age Major, Occu. Nil,
R/o. Harsul Central Prison, Aurangabad,
Taluka and District Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary, Home Department,
State of Maharashtra, Mantralay, Mumbai
2. The Superintendent
of the Central Prison, Harsul,
Taluka and District Aurangabad. .. Respondents

...

Advocate for Petitioner : Mr. Ravindra Nirmal
APP for Respondents – State : Mr. S. G. Sangale

...

39 CRIMINAL WRIT PETITION NO.1377 OF 2020

Rajeshwar Marotrao Birajdar, C-8663,
Age Major, Occu. Nil,
R/o. Harsul Central Prison, Aurangabad,
Taluka and District Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary, Home Department,
State of Maharashtra, Mantralay, Mumbai
2. The Superintendent
of the Central Prison, Harsul,
Taluka and District Aurangabad. .. Respondents

...

Advocate for Petitioner : Mr. Ravindra Nirmal
APP for Respondents – State : Mr. A. V. Deshmukh

...

40 CRIMINAL WRIT PETITION NO.1378 OF 2020

Balji @ Bababu Baliram Solonke, C-8589,
 Age Major, Occu. Nil,
 R/o. At present Harsul Prison,
 Taluka and District Aurangabad.

.. Petitioner

Versus

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

.. Respondents

...
 Advocate for Petitioner : Mrs. Sharda P. Chate
 APP for Respondents – State : Mr. K. S. Patil
 ...

42 CRIMINAL WRIT PETITION NO.1381 OF 2020

Babu Balwant Jire, C-81,
 Age Major, Occu. Nil,
 R/o. Aurangabad Prison, Aurangabad,
 Taluka and District Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra
 Through Secretary, Home Department,
 State of Maharashtra, Mantralay, Mumbai
2. The Superintendent
 of the Central Prison, Harsul,
 Taluka and District Aurangabad.

.. Respondents

...
 Advocate for Petitioner : Mr. Ravindra Nirmal
 APP for Respondents – State : Mr. R. D. Sanap
 ...

43 CRIMINAL WRIT PETITION NO. 1383 OF 2020

Rukhmini Yeduba Khetre, C-8227,
 Age Major, Occu. Nil,
 R/o. Harsul Central Prison, Aurangabad,
 Taluka and District Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra
Through Secretary, Home Department,
State of Maharashtra, Mantralay, Mumbai
2. The Superintendent
of the Central Prison, Harsul,
Taluka and District Aurangabad. .. Respondents

...
Advocate for Petitioner : Mr. Ravindra Nirmal
APP for Respondents – State : Mr. K. D. Mundhe
...

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

DATE : 23rd NOVEMBER, 2020

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

1. Rule. Rule is made returnable forthwith. With consent heard both the sides for final disposal.

2. All these proceedings are filed for challenging the orders made against the petitioners-prisoners, by which applications for emergency parole filed by them were rejected by the respondent. The emergency parole is permissible under Government Notification dated 08-05-2020 and that notification is issued in view of Pandemic situation created by COVID-2019 virus. In all the matters, the reason is given that these prisoners were not released on either furlough or parole in any occasion in the past or they were released only on one occasion. In Government Notification dated 08-05-2020, there is condition that the prisoner ought to have been released on furlough or parole in the past and on last two occasions he ought to have returned to jail on his own in time. This

condition is interpreted by this Court and it is held 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 under Government Notification dated 08-05-2020. In view of this interpretation and as these prisoners had completed three years jail term on the relevant date, this Court holds that the relief claimed by them needs to be granted.

3. In the result, the Criminal Writ Petitions are allowed. The orders made by respondent refusing the emergency parole to the petitioners are quashed and set aside. The applications which were filed for emergency parole by the petitioners are hereby allowed. The respondent is hereby directed to release the petitioners-prisoners on emergency parole in view of 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 Criminal Writ Petitions are disposed of accordingly.

Sd./-

[SHRIKANT D. KULKARNI]
JUDGE

Sd./-

[T. V. NALAWADE]
JUDGE