

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

CRIMINAL WRIT PETITION NO. 1490 OF 2020

Sarsabai w/o Balaji Barse,
(Son of petitioner Akash
s/o Balaji Barse, Convict
No.8495, Central Prison,
Aurangabad)
Age 45 years, Occu. Housewife,
R/o House No.110, Varchi Lane,
Near Hanuman Temple,
Vishnupuri, Nanded

.. Petitioner

Versus

The State of Maharashtra
through Superintendent,
Central Prison, Aurangabad

.. Respondent

Mr R.A. Jaiswal, Advocate for petitioner
Mr S.G. Sangle, A.P.P. for respondent

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

DATE : 24th November 2020

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

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.
2. In the present matter, the order dated 17.5.2020 made by respondent of rejection of emergency parole is challenged.
3. The prisoner' son Akash Barse is behind bars as life convict for offence of murder and there is contention that as there is second case pending against him, the benefit of Government Notification dated 8.5.2020 cannot be given to him.
4. Today, learned Counsel for the petitioner produced on record a copy of bail order made in favour of this prisoner and he submitted that the other case of 2016 is for offence punishable under Section 384 read with Sec.34 of Indian Penal Code and in that matter, bail is granted to him.

5. Learned Counsel Mr. Jaiswal made a statement that bail is also given in that matter. Thus, otherwise the son of the petitioner namely Akash was eligible to get the benefit of aforesaid Notification, but the benefit is refused to him. If we see Rule 4 of the Parole and Furlough Rules of the State, we find that a reason that second case is pending against the prisoner cannot be used for refusal of ordinary parole or furlough. He has completed more than three years of jail term and so, he is eligible to get emergency bail. So, the following order:

- ORDER -

- (i) Criminal Writ Petition is allowed.
- (II) The order of rejection of emergency parole passed by the respondent dated 17.5.2020 is hereby quashed and set aside. The application, which was filed for emergency parole of the petitioner's son Akash Balaji Barse stands allowed. He is to be released on emergency parole under Government Notification dated 8.5.2020 with usual terms and conditions within seven days.
- (III) Authenticated copy of this order is allowed to both the sides.

6. Rule made absolute in aforesaid terms.

(SHRIKANT D. KULKARNI, J.)

(T.V. NALAWADE, J.)

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