

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

CRIMINAL WRIT PETITION NO. 1885 OF 2019

Khandu S/o Ravan Shinde (C-8039)
Central Prison Aurangabad.

.. **Petitioner**

Versus

- 1) The State of Maharashtra
Through Divisional Commissioner,
Aurangabad.
- 2) The State of Maharashtra
Through Superintendent Central Prison,
Aurangabad.

.. **Respondents**

...

Mr. Rupesh A. Jaiswal, Advocate for the Petitioner.
Mr. K.S. Patil, APP for the Respondent-State.

...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 04.02.2020

ORAL JUDGMENT :-

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

2. The present proceeding is filed to challenge the order made by respondent no.1 by which the application filed for parole is rejected. The submissions made and the record supplied by learned A.P.P. show that the

daughter of the present petitioner aged about 12 years is suffering from Appendix. Doctor has advised for treatment in respect of Appendix and learned counsel for the petitioner submitted that the date of operation in respect of the Appendix is fixed as 16.02.2020. In the past the petitioner had come to this Court and by order dated 29.08.2019 the previous order of rejection was set aside by this Court and matter was remanded back for re-consideration.

3. It appears that after remand of the matter again the application is rejected and this time reason is given that in the past when he was released from jail he turned late by 79 days. On that occasion also he was released on parole. He has been behind the bars for more than six and half years now. There was other reason in the past that his wife had raised grievance in the year 2016 that he had given beating to her. That was the incident of the year 2016 and the petitioner has produced record like statement of the wife recorded by police and this statement recently recorded shows that she has no objection for release of the petitioner on parole leave. The father of the petitioner has given an undertaking to give security like surety if parole is granted to him. In view of these circumstances, as the daughter aged about 12 years of the petitioner is suffering from Appendix and he wants to remain

by the side of daughter at the time of operation, following order is passed:

ORDER

- I) The petition is allowed.
- II) The order made by the respondent no.1.is quashed and set aside.
The application filed for parole leave is allowed.
- III) The petitioner is to be released on parole subject to usual conditions and the care is to be taken to see that he is able to remain by the side of the daughter on 16.02.2020 when the daughter undergoes the operation for appendix.
- IV) Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]