

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL WRIT PETITION NO. 272 OF 2020

Gokarakonda Naga Saibaba
Vs.
Deputy Inspector General (Prisons) and anr

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Mihir Desai, Senior Advocate assisted by Shri Barun Kumar,
Advocate for applicant.
Shri P.K.Sathiyathan, Special Advocate for respondent -State .

**CORAM :- R. K. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATED :- 22.05.2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

2. Heard Shri Mihir Desai, the learned Senior Advocate appearing for the petitioner and Shri Sathiyathan, the learned Special Advocate for the State.

3. This petition seeks release of the petitioner on parole. The appellate authority has passed an order on 24.04.2020, rejecting the claim of the petitioner for releasing him on parole. Two grounds are recorded - (i) that the brother of the petitioner can take care of the mother who is suffering from cancer and (ii) that the area where

the petitioner shall be residing after release upon parole is declared to be containment zone due to COVID-19 Pandemic.

4. The report shows that the mother of the petitioner is an outdoor patient and the brother of the petitioner and his wife are taking care. The application of the petitioner for suspension of sentence and grant of bail is already rejected. We again sought confirmation from Shri Sathiyathan as to whether the area where the petitioner shall be staying is included in the containment zone. We are assured that this area is included in the containment zone.

5. Hence, we do not find that the petitioner is entitled to such release for the present. The writ petition is dismissed.

6. It shall be open for the petitioner to apply afresh after the lockdown is over and the area is declared free from the containment zone.

7. The order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Rvjalit

JUDGE

**Rajesh
Jalit**

Digitally signed
by Rajesh Jalit
Date: 2020.05.22
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