HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Criminal Writ Petition No. 485/2020

Prakash, S/o Shri Mohanji, By Caste Garg, R/o Lotiwada, Police Thana Barlut, District Sirohi (Raj.). (At Present Lodged At Central Jail Jodhpur).

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Home Dept. Jaipur.
2. Collector, Sirohi.
3. Superintendent, Central Jail, Jodhpur.

----Respondents

For Petitioner(s) : By post
For Respondent(s) : Mr. Farzand Ali, AAG-cum-GA

HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Judgment

17/12/2020

The convict-petitioner has filed the instant parole writ petition from jail seeking to assail the adverse recommendations drawn in the meeting of District Parole Advisory Committee, Sirohi held on 14.09.2020 whereby the application for seven days' parole filed by the convict-petitioner under Rule 18 of the Rajasthan Prisoners Release on Parole Rules, 1958 has been rejected.

The convict-petitioner's parole application was rejected by the District Parole Advisory Committee, Sirohi on the ground that in the year 2018, the convict-petitioner was granted first parole of 20 days and after availing the said parole facility from 03.07.2018 to 22.07.2018, he did not surrender back to the jail authorities and remained absconding for nine months and eighteen days and

thus, there is an apprehension of his abscondance, in case, he is released on seven days' parole.

Considering the overall facts and circumstances of the case and in order to give the convict-petitioner one more opportunity of reintegration into the society, we are inclined to extend indulgence of parole to him. Even otherwise, the apprehension that the convict will again abscond, if he is released on parole, can very well be taken care of by requiring the convict to submit sound and solvent sureties and imposing appropriate conditions.

In this background, we are inclined to accept the instant parole writ petition which is hereby allowed. The adverse recommendations dated 14.09.2020 drawn in the meeting of the District Parole Advisory Committee, Sirohi are struck down qua the convict-petitioner and it is ordered that the convict **Prakash S/o Shri Mohanji** shall be released on seven days' regular parole upon his furnishing a personal bond in the sum of Rs.80,000/- with two duly verified sound and solvent sureties of Rs.40,000/- each to the satisfaction of Superintendent, Central Jail, Jodhpur on the usual terms and conditions. The Superintendent, Central Jail, Jodhpur shall be at liberty to impose other adequate and reasonable conditions to ensure return of the convict to the custody after availing the parole. The term of parole shall be computed from the date of his actual release.

(DEVENDRA KACHHAWAHA),J **(SANDEEP MEHTA),J**

6-Sudhir Asopa/-