

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 292 of 2021

- Santosh Yadav Son of Gopal Yadav, Aged About 36 Years, R/o Village Kamartala, P.S. Dadhi, District- Bemetara, Chhattisgarh. Through Smt. Ashwani Wife of Santosh Yadav, Aged About 34 Years, R/o Village Kamartala, P.S. Dadhi, District - Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Home Affairs, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Collector/ District Magistrate Bemetara, District - Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
3. Superintendent of Police, Bemetara, District - Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
4. Jail Superintendent, Central Jail Durg, District Durg (Chhattisgarh), District : Durg, Chhattisgarh

----Respondents

For Petitioner – Shri Akath Kumar Yadav, Advocate.

For State/Respondents – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-05-2021

Heard.

1. It is submitted by learned counsel for the petitioner that the application filed by the petitioner for grant of parole has been dismissed by the District Magistrate, District Bemetara by the impugned order dated 29-12-2020 in an arbitrary manner without assigning any specific reason. The District Magistrate has not given any consideration to the judgment of this Court in case of **Rakesh Shende Vs. State of Chhattisgarh and others** decided on 18-11-2016 in Writ Petition (Cr.) No.29 of 2016 and in the case of **Santram Sinha Vs. State of Chhattisgarh and others** decided on 07-01-2016 in WPCR No.182 of 2015. Therefore, it is prayed that this petition be admitted and relief be granted to the petitioner.

2. Learned counsel for the State/Respondents submits that liberty may be granted to respondent No.2 to reconsider on the parole application of the petitioner in accordance with law.

3. Considered on these submissions. Taking into consideration the submission made by learned State counsel, this petition is disposed off at motion stage. The impugned order is set aside. Respondent No.2 is directed to reconsider on the parole application filed by the petitioner in accordance with law keeping in view the judgment of this Court in the case of Rakesh Shende Vs. State of Chhattisgarh and others (supra) and Santram Sinha Vs. State of Chhattisgarh and others (supra). The application be decided within a period of 15 days from the date of receipt of copy of this order.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge