

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

107. CRIMINAL WRIT PETITION NO.88 OF 2021

Bhagwan S/o Malhari Borade – C-8569
age major occupation nil
R/o Aurangabad Central Prison, Aurangabad
Taluka and Dist Aurangabad

...Petitioner

VERSUS

1. The State of Maharashtra
Through : The Secretary,
Home Department, State of Maharashtra,
Mantralaya, Mumbai.
2. The Superintendent,
Central Prison, Harsul
Taluka & Dist. Aurangabad

...Respondents

Mr. Ravindra Nirmal, Advocate for petitioner

Mr. A.S. Shinde, Public Prosecutor for respondents/State

CORAM : T.V. NALAWADE &

M.G. SEWLIKAR, JJ.

DATE : 3rd February, 2021

ORDER :

1. The petition is filed to challenge the order made by the respondent, by which emergency parole is refused to the petitioner. Both the sides are heard.
2. The respondent has refused the emergency parole on the ground that in the year 2005 he was granted death parole and

after the period of parole was over, he did not turn up. Action was required to be taken and police arrested him on 28/06/2012 and then was brought to jail. Thus, for the period of 2399 days he did not turn up to jail. The learned Counsel for the petitioner submitted that after the year 2012, on one occasion, he was released on furlough and on that occasion he returned to jail on his own in time.

3. Some conditions are laid down in the State Government Notification dated 08/05/2020. One condition is that prisoner ought to have been released on furlough or parole in the past and on last two occasions he ought to have returned to jail in time. Thus, his return to jail in time on last two occasions is the condition precedent for giving him benefit of the Govt. Notification dated 08/05/2020. If on one occasion he had returned to jail in time, that circumstance cannot be used in his favour and the condition needs to be satisfied in totality. For this reason, this Court holds that the authority has not committed any error in rejecting the emergency parole. In the result, the petition stands dismissed.

(M.G. SEWLIKAR)
JUDGE

(T.V. NALAWADE)
JUDGE