

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

CRIMINAL WRIT PETITION NO.382 OF 2021

**NOOR AHMED MOHAMMAD BAGWAN (C-313)
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Petitioner : Shri Rupesh A. Jaiswal
APP for Respondent : Shri S. D. Ghayal
...

**CORAM : RAVINDRA V. GHUGE AND
B. U. DEBADWAR, JJ.**

DATE : 26TH APRIL, 2021

PER COURT :

1. In this petition, the petitioner seeks emergency parole under Rule 19(1)(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959. His application filed before the respondent, has been rejected by the impugned order. The learned prosecutor tenders an apology on behalf of the respondent that he was unaware about the view of this Court and the impugned order has been passed erroneously. He further submits, on instructions, that the petitioner is legally entitled to emergency parole, as per the instructions received by him from Shri P. J. Jagtap, Superintendent, Visapur District Open Prison, vide communication dated 25-04-2021.

2. In view of the above, this petition is allowed. The

impugned order dated 23-10-2020, is quashed and set aside and the application of the petitioner is granted.

3. The petitioner would be granted emergency parole leave and would be released from the Visapur District Open Prison on or before 05-05-2021, subject to the usual statutory conditions to be complied with.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)