

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

CRIMINAL WRIT PETITION NO. 770 OF 2021

Yogeh Nanaso Rode
(C. No.5148)

... Petitioner

Versus

The State of Maharashtra
and others

... Respondent

....

Mr. A.V. Lavte, Advocate (appointed) for the Petitioner
Mr. G.O. Wattamwar, APP for Respondent Nos.1 to 3.

....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 27th AUGUST, 2021

PER COURT:-

1. Heard finally with consent at admission stage.
2. We are not inclined to entertain this criminal writ petition seeking emergency parole for two reasons. Firstly, the petitioner - convict has surrendered late by 60 days on his earlier release on parole leave and secondly, as pointed out by the learned APP, on 04.10.2019 the petitioner ran away from the Open Jail, Paithan

for which crime no. 354 of 2019 came to be registered with Paithan Police Station for the offence punishable under Section 224 of the Indian Penal Code.

5. In our order dated 20.08.2021 passed in the earlier bunch of writ petitions bearing criminal writ petition no. 476 of 2021 with other petitions, by referring the amended Rule 19(1)(C)(ii) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 and the directions given by the Hon'ble Supreme Court in Suo Moto Writ Petition (Civil) No. 1 of 2020 and also the Division Bench of this Court at its Principal Seat, headed by the Hon'ble the Chief Justice (Coram : Dipankar Datta, CJ. & Madhav J. Jamdar, J.) in Public Interest Litigation No. 44 of 2020, we considered the provisions of Rule 4 of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 as applicable even to the newly amended provision of Rule 19(1)(C) of the said Rules, which deals with release on emergency parole.

6. In the instant case, even we do not need to refer to Rule 4, which prescribes the criteria to be followed for furlough and parole. In the amended provision of Rule 19(1)(C) there is a bar to release

the convict on parole if on earlier two occasions while released on furlough or parole, he surrendered late.

7. In view of the above, we proceed to pass the following order.

ORDER

- (i) The Criminal Writ Petition is hereby dismissed.
- (ii) We quantify the legal fees of the Counsel appointed for the petitioner - convict at Rs.2,000/- (Rs. Two thousand only) to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[SHRIKANT D. KULKARNI]
JUDGE

[V. K. JADHAV]
JUDGE

S.P Rane