

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 2569 OF 2021

Vishwanath Jagannath Yadav

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Ajinkya Udane i/b. Madan Gupta, Advocate appointed through
Legal Aid for the Petitioner

Mr. J.P. Yagnik, APP for the Respondent - State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 18 NOVEMBER 2021

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner's application for grant of Emergency (Covid-19) Parole is rejected by the impugned order by the Respondent on the ground that the application of the Petitioner cannot be considered as there is a serious apprehension that the applicant will abscond considering his earlier conduct.

3. The learned APP points out which is also referred to in the impugned order, that when the Petitioner was released on parole earlier in the year 2013 he overstayed for 2096 days and he was arrested and brought back.

4. Considering this fact, the apprehension by the authorities that the Petitioner may abscond if released on emergency parole cannot be considered as unfounded and therefore, exercise of discretion cannot be called as perverse.

5. There is no merit in the Petition. The Petition is accordingly rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.