

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

CRIMINAL WRIT PETITION NO. 248 OF 2021

Shital W/o Chetan Dumbre
(Husband of petitioner Chetan S/o
Ramdas Dumbre, C-No. 16146
At present the confined is in
Yerwada Central Jail, Pune),
Age- 36 years, Occ- Housewife,
R/o Permanent Address- Dubremala,
Junnar, Otur, Pune.

...PETITIONER

Versus

The State of Maharashtra
Through Superintendent
Yerwada Central Prison, Pune.

...RESPONDENT

...

Mr. Rupesh A Jaiswal for Petitioner.
Mrs. S.D. Shinde, APP for State.

...

**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

**RESERVED ON : 22nd APRIL, 2021.
PRONOUNCED ON: 29th APRIL, 2021.**

JUDGMENT [PER S. S. SHINDE, J.]:

. Rule. Rule made returnable forthwith and heard with the consent of learned counsel appearing for the parties.

2. The Petitioner who is wife of convict has filed this petition for following substantive prayer:-

(B) By Writ Of Mandamus or any other appropriate writ, order or directions in the like

nature to quash and set aside the order of Respondent dated 27.11.2020 (Exhibit-A) and further direct the respondent to release the Petitioner's husband Chetan S/o Ramdas Dumbre Convict No. 16146 of Central Prison, Yerwada, Pune on Emergency Parole Leave.

3. The convict Chetan Ramdas Dumbre (Convict No.-16146) is convicted for the offence punishable under Section 302, 394 read with 34 of IPC for life imprisonment in Sessions Case No. 925 of 2009 by Sessions Court, Pune, on 20.10.2011.

4. Learned counsel appearing for the Petitioner submits that, merely because the convict was earlier released only on one occasion and reported late by 631 is not a ground to reject his prayer for emergency (Covid-19) parole. The convict is in jail for last more than 10 years and his conduct through out the said period is satisfactory. Therefore, learned counsel appearing for the Petitioner submits that the petition may be allowed.

5. On the other hand, learned APP appearing for Respondent-State submits that when the convict was released on furlough, he reported late by 631 days and therefore, in view of amended Rule 19 (1) (C) and Sub Section 2 of the Notification dated 08.05.2020 issued by the Government of Maharashtra, Home

Department, such convict is not entitled to be released on emergency (Covid-19) parole. It is submitted that, in case the convict is released on emergency (Covid-19) parole, he is likely to abscond. Therefore, learned APP submits that the petition may be rejected.

6. We have given due consideration to the submissions of learned counsel appearing for the petitioner and learned APP appearing for Respondent-State. With the able assistance of learned counsel for the Petitioner and learned APP, we have perused pleadings and grounds taken in the petition, annexures thereto and report received from the Superintendent of Yerwada Central Prison. The reason for rejecting the application of the convict is that the convict has released only on one occasion and he reported back by 631 days.

7. Keeping in view the reason assigned in the impugned order that when the convict was earlier released on furlough, he surrendered late by 631 days. The number of inmates/convicts in Yerwada Central Prison are less in number than the capacity of the prison. The prison authorities are taking proper care of the convicts to avoid contracting Covid-19 virus. We are of the opinion that, time

being there is no pressing need to release the convict on emergency (Covid-19) parole and if, convict is released on emergency (Covid-19) parole, he is likely to abscond.

8. In that view of the matter, the prayer of the petitioner to release her husband on emergency (Covid-19) parole stands rejected. However, the convict i.e. petitioner's husband would be at liberty to apply afresh for furlough or parole as the case may be, as per legal entitlement, however, after six months from today.

9. Rule discharged. The writ petition stands rejected accordingly.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)