

JPP

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

CRIMINAL WRIT PETITION NO. 2941 OF 2021

Bapu Bajrang Patil

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Karan Kadam, Advocate appointed through Legal Aid for the
Petitioner

Ms. A.S. Pai, P.P. for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

The Petitioner has challenged the rejection of his application seeking Emergency (Covid-19) Parole.

2. The ground for rejection given in the impugned order is that the Petitioner has not been granted parole or furlough earlier and therefore, his application cannot be considered. Such a stipulation has been held as unlawful by this Court. Reference can be made to the order passed in the case of *Roshal Ali Din Mohamed*

*Mukhiya Shaikh v/s. State of Maharashtra*¹. Therefore, the order impugned cannot be sustained.

3. The learned P.P. has placed on record the order passed on 7 June 2021 subsequent to the filing of this Petition wherein the Applicant is granted emergency parole on certain conditions. We are informed that the Petitioner has not availed of the said order. While we would have disposed of the Writ Petition in the light of the subsequent order passed, we note that the order dated 7 June 2021 contains a condition which has already been held by this Court as unjustified that is the requirement of furnishing surety of the Government Officer. Reference can be made to the order passed in the case of *Morsingh @ Pintu Sonu Pawar vs. State of Maharashtra and Ors.*².

4. Accordingly, while we dispose of the Writ Petition, we modify the clause 5 of the order dated 7 June 2021 which is taken on record and substitute the condition of furnishing of surety of a Government Servant with surety of a relative or friend of the Petitioner. Rest of the conditions in the order dated 7 June 2021 are maintained. The Legal Services Authority will inform the Petitioner of the order passed.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

1 Cri.W.P.2115/2021 & Ors. dtd. 28 October 2021

2 Cri.W.P. 3922/2021 dtd. 15 November 2021

**JYOTI
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PAWAR**

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