

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

WRIT PETITION NO. 529 OF 2021

Amarji Harishchandra Yadav Petitioner
@ Jalebi presently in Nashik
Central Jail

Vs.

The State of Maharashtra Respondent

Mr. Advait M. Sethna appointed Advocate, a/w Mrs. Ruju R. Thakker,
Mr. Tanay Mandot and Mr. Pranav Gohil for Petitioner.

Mr. Deepak Thakre, PP a/w Mr. K.V. Saste for State.

**Coram : S.S. SHINDE AND
MANISH PITALE, JJ.**

Date : 4th MAY, 2021

P.C.:

1. This petition is filed challenging the order dated 19th September, 2020 passed by the Superintendent, Nasik Road Central Prison.
2. Learned counsel appearing for the Petitioner invited our attention to the contents of the impugned order and submits that the

prayer of the Petitioner to release him on emergency covid parole has been rejected only on the ground that the Petitioner was never released on parole/furlough in the past. It is submitted that in a number of similar matters, the Court had taken a view that merely because the convict is not released on parole/furlough once/twice, cannot be a ground to reject the prayer of the convict to release him on emergency covid parole.

3. Learned APP appearing for the State submits that the reasons assigned in the impugned order are legally sustainable, keeping in view Notification dated 8th May, 2020 issued by the Government of Maharashtra, wherein a condition is laid down that the convict should have been released twice in the past so as to qualify for releasing him / her on emergency covid parole.

4. We have given due consideration to the submissions and with the able assistance of the learned counsel appearing for the Petitioner and the learned APP, we have perused the grounds in the petition and documents annexed thereto and reasons assigned in the impugned order.

5. In our opinion, merely because the Petitioner was not released on parole/furlough twice in the past cannot be a ground for rejecting the prayer of the Petitioner to release him on emergency covid parole. In that view of the matter, the impugned order dated 19th September, 2020 passed by the Superintendent, Nasik Road Central Prison is quashed and set aside.

6. The Petition is partly allowed.

7. The petitioner is granted liberty to file an application afresh within one week from today. In case, such an application is filed, the Respondent-authorities shall decide the same as expeditiously as possible and in any case within two weeks from filing of the application.

8. Needless to observe that the fresh application filed by the Petitioner shall not be rejected on the grounds which are stated in the impugned order.

9. We appreciate the able assistance given by Advocate, Shri. Advait M. Sethana, during the course of hearing of this petition. We quantify his fees at R.5,000/- to be paid by High Court Legal Services Committee, Mumbai, within four weeks from receipt of this order.

10. The petition is disposed of in above terms.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)