

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 545 OF 2021**

Ashok @ Bhaiya Magan Koli Petitioner.

V/s

The State of Maharashtra Respondent.

Mrs. B. Sharada, appointed advocate for the Petitioner **(Absent)**.

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

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

DATE: APRIL 29, 2021

P.C.:-

1] The advocate who is appointed for the Petitioner is not present.

In view of the emergency, Petition is taken up for hearing forthwith.

2] Being aggrieved by the impugned order dated 19th September 2020 passed by the Superintendent, Nashik Road Central Prison, Nashik, this Petition is filed by the Petitioner.

3] The learned APP has placed on record the report submitted by the Superintendent, Nashik Road Central Prison, Nashik. Perused the

Report.

4] Heard the learned APP appearing for the State.

5] Upon perusal of the impugned order, it appears that the application filed by the Petitioner to release him on emergency covid parole has been rejected on the ground that the Petitioner was never released on furlough/parole.

6] It appears that the Petitioner is convicted for the offence punishable under Sections 452 and 506 of the IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

7] The learned APP for the State submitted that in view of Rule 4(21) of the Prisons (Bombay Furlough and Parole) Rules, 1959, (For short “the said Rules”) Petitioner is not entitled to the relief sought.

8] Rule 4(21) of the said Rules reads thus :-

‘(4) Eligibility for furlough.-

All Indian Prisoners except from following categories whose annual conduct reports are good shall be eligible for furlough:-

(1)..... to (20).....

(21) Those involved in sexual offences against minor and human trafficking.”

9] In view of the aforesaid provision, prayer of the Petitioner cannot be acceded to.

10] Hence, the Writ Petition stands rejected.

11] Registry shall communicate this order to the Superintendent, Nashik-Road Central Prison, Nashik. In addition to the same, the learned APP shall also send a copy of this order to the Superintendent, Nashik Road Central Prison, Nashik.

MANISH PITALE, J.)

(S. S. SHINDE, J.)