

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

WRIT PETITION NO. 1308 OF 2021

Manish alias Mukesh Rilij Mohite Petitioner

Vs.

State of Maharashtra & Anr. Respondents

Mr. Akshay Bankapur for Petitioner.
Dr. F.R. Shaikh, APP for State-Respondent

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

Date : 29th APRIL, 2021

P.C.:

1. By this Writ Petition, the Petitioner has challenged the order dated 10th November, 2020 passed by the Respondent- Superintendent of Nashik Road Central Prison, whereby his prayer for grant of emergency covid parole has been rejected. The only grounds stated in the impugned order appear to be that the Petitioner has been released earlier only once on furlough leave and that if he is released on emergency covid parole, there is likelihood of his absconding.

2. This Court in numerous petitions has held that a convict being released only once earlier on furlough / parole cannot be ground for rejecting prayer for grant of emergency covid parole. There is no material on record to support the statement made in the impugned order that there is likelihood of the Petitioner absconding, if he is granted emergency covid parole.

3. We have perused the report forwarded by learned APP, wherein it is stated that the Petitioner has undergone more than 5 years and 6 months of imprisonment pursuant to conviction under Sections 302 and 307 of Indian Penal Code. We find that the current position regarding authorised capacity of the jail and the actual number of convicts has been stated in the report dated 21st April, 2021 forwarded by Superintendent of Nashik Road Central Prison.

4. We are of the opinion that the two grounds stated in the impugned order for rejecting the prayer for emergency covid parole are not sustainable, therefore we partly allow the present writ petition,

thereby quashing and setting aside the impugned order dated 10th November, 2020.

5 The Petitioner is granted liberty to move a fresh application for grant of emergency covid parole within a period of one week from today.

6. If such an application is made, the Respondent No. 2, Superintendent Nasik Road Central Prison shall consider the application and decide the same expeditiously, in any case within a period of two weeks of filing of such application by the Petitioner.

7. The Writ Petition is partly allowed in above terms.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)