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

CRIMINAL WRIT PETITION NO. 1837 OF 2021

Gajanan Prahalad Kakade

....Petitioner

V/s.

The State of Maharashtra
and another

.....Respondents

Mr. Amit Anil Mane for the Petitioner
Mrs. S. D. Shinde APP for the State

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

DATE: 4th MAY, 2021.

P.C.:

1] This petition is filed challenging the impugned order dated 28/09/2020 passed by Superintendent of Nashik-Road Central Prison, Nashik.

2] Upon perusal of the impugned order, it appears that petitioner's prayer for his release on emergency parole (Covid-19) has been rejected only on the ground that petitioner was released only once on furlough in the past and not twice.

3] This Court in number of recent decisions has taken a view that where the convict is not released in the past on furlough or parole or released only once, cannot be a ground to reject the prayer of the convict to release him on emergency parole (Covid-19).

4] In that view of the matter, impugned order dated 28/09/2020 passed by Superintendent, Nashik-Road Central Prison, Nashik is quashed and set aside. Petitioner is given liberty to file fresh application. In case, such application is filed, respondent no. 2 is directed to decide the said application as expeditiously as possible, however, within two weeks from filing of such application. Respondent no. 2 shall not reject the proposed application of the petitioner on the same grounds which are mentioned in the impugned order.

5] With above observations, writ petition is partly allowed and stands disposed of.

[MANISH PITALE, J.]

[S. S. SHINDE, J.]