

JPP

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

CRIMINAL WRIT PETITION NO. 2688 OF 2021

Subhash Hiralal Bhosale

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Pranot Pawar, Advocate appointed through Legal Aid for the
Petitioner

Mr. J.P. Yagnik, APP for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has challenged the order rejecting the application for Emergency (Covid-19) Parole. The reason given in the impugned order is that the Petitioner had over stayed when he was granted parole earlier during the year 2013.

3. We have perused the impugned order and over stay attributed to the Petitioner is of 14 days. The learned Counsel for the Petitioner has submitted that the Petitioner in fact had applied

for extension and while the application was pending consideration, he was arrested and brought back to the Jail. According to us, considering the purpose for which the scheme of Emergency (Covid-19) Parole is being granted by the Respondent - Authorities, this conduct on the part of the Petitioner of 14 days cannot be considered as gross if the Petitioner otherwise satisfies the other conditions for grant of Emergency (Covid-19) Parole.

4. Since the application is rejected only on the ground of overstay of 14 days, which we find a harsh and oppressive use of discretion, in the facts and circumstances, we set aside the impugned order and direct the Respondent – Authorities to take a fresh decision as regard the application of the Petitioner for grant of emergency parole on its own merits and as per law within a period of four weeks and communicate the same to the Petitioner.

5. The Writ Petition is accordingly disposed of.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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by JYOTI
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