

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

CRIMINAL WRIT PETITION NO. 1712 OF 2021

Chandrabhan S/o Jagan Salunkhe
Convict No. 9000, Age- 45 years,
Occ- Convoict, R/o Permanent
Address village Tarshod, Tal and
Dist. Jalgaon, At present confined in
Nasik Central Jail.

...**PETITIONER**

Versus

State of Maharashtra
Through Superintendent
Central Jail Nasik Road.

...**RESPONDENT**

...

Mr. Rupesh Jaiswal for Petitioner.
Mrs. S.D. Shinde, APP for State.

...

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

**RESERVED ON: 22nd APRIL, 2021.
PRONOUNCED ON: 27th APRIL, 2021.**

ORDER:

. This petition is filed with following substantive prayer:-

(B) By Writ Of Mandamus or any other appropriate writ, order or directions in the like nature to modify or quash and set aside the order of Respondent dated 5.3.2021 and further direct the Respondent to release petitioner on death parole leave for 14 days with a surety on cash security on account of death of his brother (Deepak S/o Jagan Salunkhe).

2. The Petitioner has applied for death parole on the ground that his brother died on 01.03.2021 and on 05.03.2021, petitioner's application for death parole was allowed for 3 days subject to depositing escort charges.

3. It is submission of learned counsel appearing for the petitioner that the petitioner ought to have been released on death parole for 7 days without escort charges. Due to the poor financial condition of petitioner, he could not deposit the said amount, and therefore, this petition is filed for grant of death parole for 14 days without asking the Petitioner to deposit escort charges.

4. Learned APP appearing for the Respondent-State submits that since the petitioner did not avail death parole, the urgency for which said parole leave was sought has lost its importance. The brother of the petitioner died on 01.03.2021, and therefore immediately on 05.03.2021 death parole was granted.

5. We have considered the submissions of learned counsel for the petitioner, learned APP appearing for Respondent-State. With their able assistance, we have perused the pleadings and grounds in the petition, annexures thereto and report submitted by the Superintendent of Nashik Central Jail. It is true that the petitioner's prayer for death parole ought to have been liberally considered by

the respondent authorities, however, now the considerable period has been lapsed from the death of brother of the petitioner. The Petitioner should have approached immediately to this Court, however, he has belatedly filed this petition. It is not the case that the death parole was not granted to the petitioner, but same was granted only for 3 days. The Petitioner did not avail the same, and therefore, respondents cannot be blamed for inaction on the part of the petitioner.

6. In that view of the matter, we do not think it necessary to modify the order impugned in this petition. However, we grant liberty to the petitioner to apply for emergency Covid-19 parole/regular parole/furlough, within one week from today. In case, such application is filed by the Petitioner, the respondents are directed to consider the same as expeditiously as possible, however, within three weeks from the date of filing such application in accordance with law and relevant procedure.

7. With the above observations, writ petition stands disposed of.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)