

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1803 OF 2021**

Nabi Hasan Noor Hasan Khan Petitioner.

V/s

The State of Maharashtra and Anr. Respondents.

Mr. Aniket Vagal for the Petitioner.

Mr. Deepak Thakre, PP a/w Mrs. Sangeeta D. Shinde, APP for the State.

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

DATE: MAY 04, 2021

P.C.:-

1] This Petition takes exception to the impugned order dated 18/12/2020 passed by Respondent No.2. There is a further prayer in the Petition to release the Petitioner on emergency parole for 45 days on terms and conditions provided under the relevant rules and procedure.

2] The learned Counsel for the Petitioner submits that prayer of the Petitioner to release him on emergency covid parole has been rejected only on the ground that the Petitioner was never released on

furlough/parole.

3] The learned APP appearing for the Respondents relies upon the contents of the impugned order and submits that the said order is passed on legally sustainable grounds.

4] Upon appreciation of rival contentions and perusal of the impugned order, it could be seen that the Petitioner's prayer to release him on covid emergency parole has been turned down only on the ground that the Petitioner was not released even once in the past on furlough/parole.

5] This Court in number of Petitions has taken a view that merely because the convict is not released on furlough or parole, as the case may be, in the past cannot be a ground to reject the prayer of the convict to release him on covid emergency parole.

6] In that view of the matter, the impugned order is quashed and set aside. Petitioner would be at liberty to file a fresh application before Respondent No.2. In case such an application is filed,

Respondent No.2 to decide the same within two weeks from filing of such application. Needless to observe that the application filed by the Petitioner shall not be rejected on the same grounds which are mentioned in the impugned order.

7] With the above observations, Petition stands disposed of.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)