

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1829 OF 2021**

Ganesh Jagannath Tambe

..... Petitioner.

V/s

The State of Maharashtra and Others.

..... Respondents

Mr. Aniket Vagal for the Petitioner.

Mr. Deepak Thakre, PP a/w Mrs Sangeeta 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. There is another prayer in the Petition to release the Petitioner on emergency parole for a period of 45 days on terms and conditions provided under the relevant rules and procedure.

2] Mrs Shinde, the learned APP appearing on behalf of the State has submitted a report received from the Jail Authorities. Same is taken on record.

3] From the perusal of the said report, it appears that the

Petitioner – Ganesh Jagannath Tambe has completed 15 years 7 months and 29 days sentence. His prayer to release him on covid emergency parole has been rejected on the ground that he was never released on furlough/parole in the past.

4] 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.

5] In that view of the matter, the impugned order is quashed and set aside. Since the Petitioner is lodged in open Prison, keeping in view his conduct and that he has already undergone more than 15 years 7 months and 29 days sentence, we are inclined to issue directions to Respondent No.2 to release the Petitioner on covid emergency parole on terms and conditions in accordance with the relevant rules and procedure.

6] Accordingly, Respondents are directed to release the Petitioner on covid emergency parole on terms and conditions set out in the

relevant rules and procedure

7] Writ Petition is allowed in the above terms and disposed of.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)