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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1955 of 2021

Avinash Rajan Ambekar] .. Petitioner
vs.
The Dy. Inspector General of Prisons,
Eastern Region, Nashik & Ors.] .. Respondents

Mr.Jigar Agarwal a/w Mr.Amrish Salunke, for Petitioner.
Dr.F.R. Shaikh, APP for State.

**CORAM : PRASANNA B. VARALE &
N.R.BORKAR, JJ.**

DATE : 13TH MAY, 2021

(Vacation Court Through V.C.)

P.C.

- 1] Heard learned counsel for the Petitioner.
- 2] The Petitioner is challenging the order passed by the Competent Authority viz. Nasik Road Central Prison dated 16.03.2021, whereby, the application submitted by the Petitioner seeking emergency parole leave on the ground of pandemic Covid 19 is rejected.
- 3] Perusal of the impugned order show that two reasons are assigned for rejection. Firstly, sufficient measures are taken in the prison so as to meet the pandemic situation. It is stated that there is no

over-crowding in the prison. Another ground is that the Petitioner was granted parole leave only once.

4] Our attention was invited to various orders of this Court, regarding the issue involved in the present Petition.

5] The submission of the learned counsel for the Petitioner is that, inspite of various orders being passed by this Court, prison authorities are mechanically passing orders rejecting the applications reiterating unsustainable grounds.

6] The Petition is opposed by the learned APP.

7] On going through the material placed on record and more particularly on going through various orders passed by this Court, we find considerable merit in the submission of the learned counsel for the Petitioner. The rejection order dated 16.03.2021 is passed on the ground which was considered by this court in other Petitions and Division Bench of this Court by considering various Notifications issued by the State Government qua the Prisons (Bombay Parole and Furlough) Rules, 1959, allowed the Petitions by quashing and setting aside the orders passed by the prison authorities.

8] We, therefore, see no reason to take any different view than the view taken by the Division Bench of this Court in various orders. Resultantly, following order is passed :

i] Writ Petition is allowed.

ii] Respondent is directed to release the Petitioner on parole subject to fulfilling other requirements as per Rules and on usual conditions.

iii] Accordingly, Writ Petition is disposed of.

[N.R.BORKAR, J]

[PRASANNA B. VARALE, J]