

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2027 OF 2021**

Riyaz Ahmed Siddique ...Petitioner

Versus

The State of Maharashtra & ors. ...Respondents

Ms. Farhana Shah, for the petitioner.

Mr. J. P. Yagnik, APP for the State/Respondent no.1.

**CORAM: S. S. SHINDE &
N. J. JAMADAR, JJ
DATED: 8th JUNE, 2021
(Through V.C.)**

PC:-

1. By this petition the petitioner – convicted in B.B.C. No.1 of 1993 for the offences punishable under Section 3(2) of TADA Act, 1987 and 120B of the Indian Penal Code, has prayed for release on emergency parole for the period of 15 days to attend, and be part of, the marriage ceremony of his son Zaid. The marriage is scheduled to be solemnized on 13th June, 2021.

2. During the pendency of this petition, the competent authority has directed the release of the petitioner on parole for the period of four days, for the said purpose. The order is passed subject to strong police escort/security and the expenses for the said police escort/security and transportation to be borne by the petitioner.

3. By an order dated 3rd June, 2021, this Court had requested the learned APP to take instructions as to the amount of expenses which the petitioner may be called upon to bear.

4. Today Mr. Yagnik, the learned APP, has tendered a communication dated 7th June, 2021, along with a statement dated 5th June, 2021, whereby the total estimated expenses are shown Rs.1,54,112/-.

5. Ms. Shah, the learned Counsel for the petitioner, would urge that the petitioner is not in a position to pay the aforesaid exorbitant expenses for release on parole. It was submitted that in the prevailing circumstances, caused by the pandemic, the order to pay expenses of Rs.1,54,112/- operates even more onerously. Thus, the petitioner had, in fact, conveyed his unwillingness to be released on parole due to the aforesaid exorbitant expenses.

6. Ms. Shah further submits that the petitioner genuinely desires to attend, and be part of, the marriage ceremony of his son Zaid. The petitioner be, therefore, directed to be released on payment of reasonable expenses and the justifiability of the amount claimed by the respondent for the expenses may be determined in due course of time. Ms. Shah, on instructions, submits that, for the present, the

petitioner is willing to deposit Rs.50,000/-. She, on instructions, further submits that the application submitted by the petitioner indicating his unwillingness to be released on parole may be treated to have been withdrawn and not pressed.

7. Evidently, the appropriate authority has passed an order to release the petitioner on emergency parole to attend the marriage of his son. The expenses computed by the respondents, are substantial, by any standard. The petitioner cannot be deprived of the privilege to be released on parole for a genuine cause only because of the adverse financial condition.

8. We are thus persuaded to direct that the petitioner be released on emergency parole in terms of order dated 31st May, 2021 and subject to the conditions stipulated therein, with the only modification that the petitioner shall deposit the expenses of Rs.50,000/- with the appropriate authority, instead of the expenses claimed by the respondents.

9. The liability of the petitioner to pay the rest of the amount, in terms of the computation of the expenses, by order dated 5th June, 2021, shall be subject to the outcome of this petition.

10. By way of abundant caution we direct that the

petitioner be released on emergency parole in terms of the order dated 31st May, 2021, on deposit of Rs.50,000/- towards the expenses for the escort/security and transportation and the aforesaid direction be scrupulously followed within time.

11. All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]

[S. S. SHINDE, J.]