

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2238 OF 2021

Mohsin S/o. Javed Khan

...Petitioner

vs.

1) The State of Maharashtra
& 3 Ors.

...Respondents

Mr. M.M. Chaudhari for petitioner.
Mrs.S.D. Shinde, APP for State.

CORAM : **S. S. SHINDE &
 N. J. JAMADAR, JJ.**

DATE : **JUNE 22, 2021**
 (THROUGH VIDEO CONFERENCE)

P.C.:

1. Heard Mr.Chaudhari, the learned counsel for the petitioner and Mrs. Shinde, the learned APP for the State.
2. The learned counsel for the petitioner submits that, during the intervening period, the petitioner has been ordered to be released on emergency parole. Hence, the main prayer in the petition does not survive. However, the Authorities are insisting for a surety who is a government employee. The petitioner finds it difficult to arrange a surety who is a government servant.
3. A copy of the order dated 12th June 2021 is tendered for the perusal of the Court. Condition No.5 of the said order provides for furnishing a

surety, who is a government servant.

4. The petitioner has, thus, sought leave to amend the petition so as to restrict it to the prayer for a direction to respondent No.4 to accept as a surety a person, who is employed with Municipal Corporation instead of Government. Amended copy of the petition is tendered by email. The amended copy of the petition is taken on record. The amendment stands allowed.

5. As regards, the limited prayer, we are of the view that a person who is employed with a Municipal Corporation would be in a position to act as a surety as effectively as a government servant.

6. The petition therefore stands allowed in terms of prayer clause (B-2) of the petition (amended), which reads as under :

“(B-2) In alternate Resp. No.4 may kindly be directed to accept the surety of Municipal Corporation Employee for releasing the petitioner of emergency Covid-10 parole.”

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

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)