

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2427 OF 2021

Avinash @ Suraj S/o Ashok Singh

...Petitioner

Versus

The State of Maharashtra

...Respondent

...

Mr. Rupesh Jaiswal for Petitioner.

Mrs. S.D. Shinde, APP for State.

...

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

DATE : 18th AUGUST, 2021.

ORAL JUDGMENT [PER S.S. SHINDE, J.]:

1. Rule. Rule made returnable forthwith and heard with the consent of learned counsel for the parties.

2. The limited grievance raised in the present petition is that the petitioner was released on Covid-19 emergency parole, however, the petitioner was asked to surrender after completion of 45 days. Accordingly, the petitioner surrendered before the jail authority.

3. It is the contention of learned counsel appearing for the petitioner that notification dated 08.05.2020 provides that the initial period

of 45 days shall stand extended periodically in block of 30 days each, till such time that the said Notification is in force and the convicted prisoners shall report to the concerned police station within whose jurisdiction they are residing, once in every 30 days. However, the respondent-authority contrary to the said notification asked the petitioner to surrender.

4. Learned APP appearing for Respondent submits that let the petitioner apply afresh for releasing him on Covid-19 emergency parole.

5. Upon appreciating the rival contentions and admitted position that once the convict is released on Covid-19 emergency parole for initial period of 45 days, the said period shall stand extended periodically in block of 30 days each, till such time that the said Notification is in force. However, the convicted prisoner shall report to the concerned police station within whose jurisdiction they are residing, once in every 30 days, we are of the opinion that, the petition deserves to be allowed. Accordingly, the writ petition is allowed in terms of prayer clause (B), which reads as under:-

(B) By Writ Of Mandamus or any other appropriate writ, order or directions in the like nature to quash and set aside the order of Respondent dated 03.06.2021 to the extent of directing petitioner to surrender after period of 45 days. (Exhibit-C) and further direct the respondent to extend the Petitioner on Emergency COVID Parole

Leave as per Government Notification dated 8.5.2020 and as per the Full Bench Judgment of this Hon'ble Court in case of Nagnath Mane Vs State of Maharashtra.

6. Rule made absolute to above extent. The writ petition stands disposed of.

7. We direct the respondent to release the petitioner, however, on executing fresh bond and adhering to the usual procedure as required under the relevant rules.

8. Parties to act upon an authenticated copy of this order.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)