

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2656 OF 2021

Prasad Sitaram Junghare

.. Petitioner

v/s.

The State of Maharashtra

.. Respondent

....

Mr. Pranot Pawar, Advocate appointed through Legal Aid, for the  
Petitioner.

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

....

CORAM: NITIN JAMDAR &  
SARANG V. KOTWAL JJ.

DATE : 3 DECEMBER 2021.

P.C:-

The Petitioner has filed this writ petition with a prayer that  
under trial accused under all Acts should be considered to be released  
on parole in light of the Covid-19 pandemic.

2. The Petitioner is an under trial prisoner facing trial under  
Section 376 of Indian Penal Code and Section 347 and 8 of the  
Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. The High Power Committee constituted to consider the  
categories of cases for interim bails/parole submitted the report on 25

March 2020 giving categorization of those who were seeking bail/parole due to Covid-19 pandemic. After the report was so submitted, the same was challenged in this Court on the ground that certain categories have been wrongly included or excluded. This challenge was negated by the Division Bench of this Court. That order was challenged in the Supreme Court by Special Leave Petition (Criminal) No.4116 of 2020 and the Supreme Court disposed of the SLP confirming the order passed by the Division Bench and observing that as far as categorization is concerned, the same done by respective High Power Committees of the State would hold the field and it was left open to the Competent Court to examine whether there is any discrimination within the same category and similarly placed.

4. In light thereof, the prayer of the Petitioner, which seeks to modify the report of the High Power Committee, cannot be considered. As per the report, the Petitioner is not entitled to the relief prayed for and consequently not for relief in this petition as well.

5. Writ petition is, accordingly, rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)