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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 769 OF 2021

Avinash @ Pintya Ashok Jadhav
Age- 39 years, R/o- 20/06, MHADA Colony,
Mahul Goan, Chembur,
Mumbai- 400074.

...PETITIONER

Versus

1. The State of Maharashtra
2. The Superintendent of Jail
Nashik Road Central Prison

...RESPONDENTS

Mr. Aniket Vagal for the Petitioner.
Mrs. S.D. Shinde, APP for State.

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**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

**RESERVED ON : 18th FEBRUARY, 2021.
PRONOUNCED ON: 23rd FEBRUARY, 2021.**

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

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

2. The Petitioner has filed the present petition for the following
substantial reliefs:

- a) Order of Respondent No. 2 passed on 02.05.2020,
may kindly be quashed and set aside.

b) The Petitioner may kindly be released on Emergency Parole for the Period of 45 days on any terms and condition as this Hon'ble Court may deem fit and proper.

3. Learned counsel appearing for the Petitioner submits that, the petitioner was released once, however, there was delay of 36 days in reporting back to the jail. It is submitted that the petitioner is in jail for 11 years and therefore, he is entitled to be released on emergency parole.

4. On the other hand, learned APP appearing for Respondent-State opposed the petition for grant of emergency Covid-19 parole. It was submitted that the Petitioner had reported late on earlier occasion when he was released on parole/furlough.

5. We have perused the record forwarded by the respondents to the office of Public Prosecutor of this Court. The Petitioner was released once in the past on parole/furlough, however he had reported late to the jail. In our opinion, merely the petitioner was released once and reported back late to the jail cannot be a ground for rejecting the application of the petitioner for emergency parole.

6. In that view of the matter, the writ petition is partly allowed. The impugned order is quashed and set aside. The petitioner is granted liberty to apply afresh for grant of emergency Covid-19 parole within one week from today. Upon filing such an application, the respondent authority shall decide the same on its own merits, as expeditiously as possible, however, within two weeks from the date of filing of the application in accordance with the Prisons (Bombay Furlough and Parole) Rules, 1959 and keeping in view the factors like the extent of spread of Covid-19 virus and conditions in jail.

7. Rule is partly made absolute to above extent. The writ petition stands disposed of accordingly.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)