

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 865 OF 2021

Bhola Harishchandra Gupta Petitioner.

V/s

The State of Maharashtra Respondents.

Mr. Swaraj Jadhav, appointed advocate for the Petitioner **(Absent)**.
Mr. Deepak Thakre, PP a/w Dr. F.R. Shaikh for the State.

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

DATE: APRIL 29, 2021

P.C.:-

1] The advocate who is appointed for the Petitioner is not present.

In view of the emergency, Petition is taken up for hearing forthwith.

2] Being aggrieved by the impugned order dated 28th September 2020 passed by the Superintendent, Nashik Road Central Prison, Nashik, this Petition is filed by the Petitioner.

3] The learned APP has placed on record the report submitted by the Superintendent, Nashik Road Central Prison, Nashik. Perused the Report.

4] Heard the learned APP for the State.

5] Upon perusal of the impugned order. It appears that prayer of the Petitioner to release him on emergency covid parole was rejected on the ground that when the Petitioner was released on parole, he did not report back on time and he overstayed for 34 days. However, it appears that his remission for overstaying for 34 days is deducted by 136 days. Petitioner has undergone more than 10 years and 22 days of the sentence. There is no any adverse material brought on record to deny the relief to the Petitioner.

6] In that view of the matter Petition succeeds. The impugned order is quashed and set aside. We direct the Respondents/concerned Authorities to release the Petitioner on emergency covid parole on terms and conditions provided under the relevant rules and procedure.

7] Registry shall communicate this order to the Superintendent, Nashik-Road Central Prison, Nashik. In addition to the same, the learned APP shall also send a copy of this order to the Superintendent, Nashik Road Central Prison, Nashik.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)