

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 627 OF 2021**

Avinash @ Pintya Ashok Jadhav Petitioner.

V/s

The State of Maharashtra Respondent.

Mrs. Jai Kanade, appointed advocate for the Petitioner.

Mr. Deepak Thakre, PP a/w Mr. J.P. Yagnik, APP for the State.

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

DATE: APRIL 29, 2021

P.C.:-

1] Being aggrieved by the impugned order dated 19th September 2020 passed by the Superintendent, Nashik Road Central Prison, Nashik, this Petition is filed by the Petitioner.

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

3] Heard the learned Counsel for the Petitioner and the learned APP appearing for the State.

4] We have carefully perused the impugned order. It is true that the Petitioner was released on furlough on 2.9.2013 for 14 days. He did not report in time and overstayed for 36 days. However, for said overstay of the Petitioner outside the jail, his remission of 180 days has been deducted. The Petitioner had earlier filed Criminal Writ Petition No. 769 of 2021 and the said Writ Petition was partly allowed. The Petitioner was granted liberty to apply afresh for grant of emergency parole and the concerned authorities were directed to decide the said fresh application within two weeks.

5] It appears that by the impugned order, once again, prayer of the Petitioner to release him on emergency parole has been rejected.

6] In our opinion, the Writ Petition deserves to be allowed since the Petitioner has already undergone more than 11 years, 6 months and 17 days of the sentence. There is no any other adverse material brought on record to deny the relief claimed by the Petitioner.

7] In that view of the matter, Petition succeeds. The impugned order is quashed and set aside. The Respondents/concerned Authorities are directed to release the petitioner on emergency covid parole on completion of usual formalities as contemplated under the relevant rules and procedure.

8] 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.

9] We appreciate the able assistance rendered by Advocate Mrs. Jai Kanade appointed for representing the Petitioner. We quantify her fees at Rs 5000/- to be paid by High Court Legal Services Committee, Mumbai, within four weeks from the receipt of this order.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)