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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1170 OF 2021

Dattu Baburao Pawar

....Petitioner

V/s.

The State of Maharashtra

....Respondent

None for the petitioner

Mr. Deepak Thakre, PP a/w Mr. S. R. Shinde, APP for the State

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

DATE: APRIL 29, 2021.

P.C.:

1] Mr. Navin Bagul, advocate appointed for the petitioner is not present. With the able assistance of learned APP we have perused the report submitted by Superintendent, Nashik-Road Central Prison, Nashik. It appears that petitioner was never released on parole/furlough and on that count, his application requesting for his release for emergency parole (Covid-19) has been turned down. There is no other reason in the impugned order assigned by the respondent-authority to turn down the prayer of the petitioner to

release him on emergency parole (Covid-19).

2] In our opinion, respondent-authorities should not have rejected the prayer of the petitioner to release him on emergency parole (Covid-19) on the ground that he was never released on parole/furlough. Hence, impugned order dated 27/09/2020 passed by Superintendent, Nashik-Road Central Prison stands quashed and set aside. Petition is partly allowed.

3] If the petitioner files fresh application for emergency parole (Covid-19)/Parole/furlough, respondent-authority shall decide the same within 3 weeks from filing of such application.

4] With above observations, petition stands disposed of.

[MANISH PITALE, J.]

[S. S. SHINDE, J.]