

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 978 OF 2021**

Raja @ Raju Maruti Shinde Petitioner.

V/s

The State of Maharashtra Respondents.

Mr. Abhishek Bhadang, appointed advocate for the Petitioner (absent).
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] 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 19th 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 the application filed by the Petitioner to release him on emergency covid parole has been rejected on the ground that the Petitioner was never released on furlough/parole.

6] Petitioner is convicted for the offence punishable under Section 302 read with Section 34 IPC as also under Sections 376, 397, 394, 354, 120B, 506 (II), of the IPC.

7] The learned APP for the States submits that view of Rule 4(2) and (12) of the Prisons (Bombay Furlough and Parole) Rules, 1959, (For short “the said Rules”) Petitioner is not entitled to the relief sought.

8] The said Rule 4(2) and (12) of the said Rules read as under:-

“4. Eligibility for furlough:-

All Indian prisoners except from following categories whose annual conduct reports are good shall be eligible for furlough:-

(1).....

(2) Prisoners convicted of offences under Sections 392 to 402 (both inclusive) of the Indian Penal Code (Prisoners may be eligible for furlough after completion of stipulated sentence in the respective section);

(3)..... to (11).....

(12) Petitioners who are considered dangerous or have been involved in serious prison violence like assault, outbreak, riot, mutiny or escape, or who have been found to be instigating the serious violation of prison discipline, smuggling of narcotic and psychotropic substances including convicted under Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), rape or rape with murder, attempt to rape with murder and foreigner prisoners (Prisoners may be eligible for furlough after completion of stipulated sentence in the respective section);

(13)..... to (21).....”

9] In view of the above provision, the Writ Petition stands rejected.

10] 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.)