

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 620 OF 2021**

Rahul Ramchandra Bhambad Petitioner.

V/s

The State of Maharashtra Respondents.

Mr. Drupad Patil, 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 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] This Court in number of Writ Petitions has held that merely because the convict was not released earlier on parole/furlough cannot be a ground to turn down the prayer of the convict to release him on emergency covid parole.

7] The Petitioner has already undergone more than 12 years, 3 months and 11 days of sentence.

8] In that view of the matter, 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.

9] The Writ Petition stands allowed accordingly and disposed of.

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.)