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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 2129 OF 2021

Ramesh Sonya Mavachi

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Ajinkya Udane i/b. Niranjana Bhavke, appointed through Legal Aid for the Petitioner

Ms. A.S. Pai, P.P. for the Respondent - State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 18 NOVEMBER 2021

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P.C. :-

The Petitioner has sought Emergency (Covid-19) Parole which is denied to him by a communication dated 2 June 2021 and by order dated 15 September 2020.

2. After the Petition was filed, by subsequent order dated 19 October 2021 which, the learned Public Prosecutor has placed on record, emergency parole was again rejected.

3. In both the orders reason given is that when the Petitioner was released earlier on parole on 1 June 2006 and was to return within one month, the Petitioner did not return and was arrested after a period of 2462 days.

4. With these facts, if the Respondent – authorities have an apprehension that if the Petitioner is released on emergency parole, he may not be traceable and will not return back to the jail cannot be said to be unwarranted. The exercise of discretion is not arbitrary. Therefore, no interference is required.

5. The Writ Petition is accordingly rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.