

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2262 OF 2021

Tanaji Dharmraj Patil .. Petitioner

v/s.

The State of Maharashtra & Anr. .. Respondents

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Ms. Gauri Velankar, Advocate appointed through Legal Aid, for the
Petitioner.

Mrs. S.D. Shinde, APP, for Respondent State.

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 3 DECEMBER 2021.

P.C:-

By this petition, the Petitioner is seeking Emergency (Covid-19) Parole, which is rejected by the impugned order dated 8 May 2020. During the pendency of the petition, another order was passed on 20 October 2021, rejecting the prayer of the Petitioner to be released on Emergency Parole.

2. Reason given in both the orders is that the Petitioner, when was released on parole on 7 February 2019, did not report back to the jail and was arrested after 3478 days. Reference is made to Rule 4(10)

of the Maharashtra State (Home Department) Gazette Notification dated 16 April 2018. Considering that the Petitioner, when released on parole did not report for almost nine years, the opinion of the Respondent Authority that if the Petitioner is granted Emergency Parole is likely to abscond and not available cannot be considered as unfounded. It is an arbitrary exercise of the discretion vested not to grant the Emergency (Covid-19) Parole.

3. In light thereof, no relief can be granted in this petition. We make it clear that our observations are in relation to the Petitioner's request to be released on Emergency (Covid-19) Parole.

4. Writ petition is, accordingly, rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)