

JPP

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

CRIMINAL WRIT PETITION NO. 2949 OF 2021

Mayur @ Babua Suresh Kandare

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Veerdhawal Deshmukh, Advocate appointed through Legal Aid Panel for the Petitioner

Ms. S.D. Shinde, APP for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

The Petitioner is challenging the rejection of his application for Emergency (Covid-19) Parole. The reason is that the Petitioner has not granted parole or furlough earlier. This stipulation has been considered as not lawful by various decisions of this Court which are referred to in the order passed in the case of *Roshan Ali Din Mohmed Mukhiya Shaikh vs. State of Maharashtra*¹. Therefore, the impugned order cannot be sustained.

¹ Cri.WP 2115 of 2021 & Ors. dtd. 28 October 2021

2. The learned APP states that there are guidelines laid down by the High Power Committee which the State of Maharashtra has adopted in addition to Rule 19(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1956 and therefore, the case of the Petitioner will have to be also examined in the light of those guidelines and therefore, a writ may not be issued to release the Petitioner on Emergency (Covid-19) Parole.

3. Accordingly, the impugned order is quashed and set aside. The application of the Petitioner be considered by the Respondent – authorities afresh in the light of what is observed above within a period of five weeks from today and the result be communicated to the Petitioner.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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