

JPP

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

CRIMINAL WRIT PETITION NO. 2916 OF 2021

Umesh Vilas Rahane

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Ashok Pandire, Advocate appointed through Legal Aid Panel
for the Petitioner

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

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

DATE : 18 NOVEMBER 2021

P.C. :-

The Application filed by the Petitioner for Emergency (Covid-19) Parole is rejected by the impugned order firstly on the ground that the Petitioner has not been granted parole or furlough earlier. Secondly, the Petitioner is convicted under Section 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. As regard the first ground is concerned, the same is not tenable in view of the decision of the Division Bench of this Court in the case of *Roshan Ali Din Mohmed Mukhiya Shaikh vs. State of Maharashtra*¹.

3. As regard the second ground of rejection is concerned, the same is legal and valid having based on the amended clause (C) to Rule 19 of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1956 as interpreted by the Full Bench of this Court in the case of *Pintu s/o. Uttam Sonale vs. State of Maharashtra*² where for serious offences under Special Acts such as POCSO, the emergency parole cannot be granted.

4. In the light of this statutory bar, no relief can be granted to the Petitioner. The Writ Petition is accordingly rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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

² Cri.WP(St.) 3206 of 2020 dtd. 6 November 2020