

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3332 OF 2021

Rajesh Samaydin Chaudhari @ Gupta : Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.

Ms. Sandhya Mailgir i/by Mr. Anil D Joshi for the Petitioner.
Mrs. S D Shinde, APP for the Respondents/State.

CORAM : S. S. SHINDE,
N. J. JAMADAR, JJ

DATE : 24th September 2021

P.C.

1 Heard the learned counsel appearing for the Petitioner and the learned APP appearing for the Respondents/State.

2 The learned APP appearing for the Respondents/State has tendered across the bar, the report received from the concerned Superintendent of Jail, Kolhapur Central Prison, Kalamba. The same is taken on record.

3 Relying upon the contents of the said report, the learned APP, appearing for the Respondents/State, submitted that when the Petitioner was earlier released on two occasions, once he overstayed for 280 days and on another occasion he overstayed for 88 days, and therefore, the Petitioner is not entitled to be released on emergency Covid-19 parole.

3 The learned counsel appearing for the Petitioner submitted that the mother of the Petitioner is ill and nobody is there to look after her.

4 Upon appreciation of the rival submissions and perusal of the report submitted by the learned APP, we are not inclined to exercise writ jurisdiction in favour of the Petitioner and direct the concerned Respondent/Authority to release the Petitioner on emergency Covid-19 parole. However, if the mother is suffering from certain ailments, in that case, we grant liberty to the Petitioner to apply for parole, and in case such an application is filed by the Petitioner, we direct the concerned Respondent/Authority to accept the said application, and keeping in view the reasons mentioned in such application, decide the said application on its own merits and in accordance with law.

5 At this stage, the learned counsel appearing for the Petitioner submits that the Petitioner will file appropriate application for parole before the Respondent No.4. In case such an application is filed, we direct the Respondent No.4 to decide the same as expeditiously as possible, however, within a period of 10 days from filing such application. With the above directions, the Writ Petition stands rejected.

[N. J. JAMADAR, J]

[S. S. SHINDE , J]