

JPP

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

CRIMINAL WRIT PETITION NO. 2328 OF 2021

Nitin Subhash Pawar

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Ms. Priyanka Chavan, Advocate appointed through Legal Aid for the
Petitioner

Mr. K.V. Saste, APP for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner is seeking Emergency (Covid-19) Parole. His prayer is rejected by the impugned order dated 19 August 2020. The ground given in the impugned order is that the Petitioner has never been released on parole or furlough earlier and therefore not entitled to emergency parole. This ground in the light of the order passed by this Court in the order dated 28 October 2021 in Criminal Writ Petition No.2115 of 2021 and Ors. cannot be sustained and will

have to be set aside. The question thereafter would be whether the Petitioner is entitled to be released on Emergency (Covid-19) Parole as per prayer Clause (b) sought for in this Petition.

3. The learned APP points out that the Petitioner after filing of the Petition was granted emergency parole on 7 June 2021 and after being released has committed a serious offence under Section 376 of the Indian Penal Code and was arrested and brought back to the prison.

4. We have passed the record regarding the subsequent conduct of the Petitioner. Considering this conduct of the Petitioner where he was granted emergency parole and has misused the liberty, the prayer clause (b) of the Petition to be released on emergency parole cannot be considered even though a ground given in the impugned order is not correct in law. No orders therefore can be passed in this Petition.

5. The Writ Petition is rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2021.11.24
17:53:04 +0530