

JPP

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

CRIMINAL WRIT PETITION NO. 2338 OF 2021

Balu Kisan Pawar

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Ajinkya Udane i/b. Abhishek Avachat, Advocate appointed
through Legal Aid for the Petitioner

Ms. A.S. Pai, PP 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 has challenged the order rejecting the application for Emergency (Covid-19) Parole. The reason given in the impugned order is that the Petitioner has never been released on parole or furlough earlier and therefore he cannot be granted such emergency parole. The ground is with reference to Rule 19(1)(C)(ii) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 as amended. The Division Bench of this Court in Writ

Petition No. 2115 of 2021 and Ors. on 28 October 2021 has found this condition as unsustainable and set aside the same. The Division Bench, after setting aside this ground remanded the matter for fresh consideration.

3. Accordingly, the impugned order in this Petition is set aside. The Respondent will take a fresh decision as regarding the entitlement of the Petitioner for the emergency parole and communicate the decision to the Petitioner within a period of four weeks.

4. The Writ Petition is accordingly disposed of.

5. The Legal Services Authority will communicate the decision to the Petitioner.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH PAWAR
Date: 2021.11.24
18:01:13 +0530