

JPP

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

CRIMINAL WRIT PETITION NO. 2933 OF 2021

Nilesh @ Danny Barkya Waghmare ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

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

Ms. M.H. Mhatre, APP for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

The application of the Petitioner seeking Emergency (Covid-19) Parole was rejected by the Respondent – Authorities by the impugned order on the ground that the Petitioner has not been granted parole or furlough leave earlier and therefore in the light of Rule 19(1)(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 (as amended), the Petitioner is not entitled to it. This ground given in the impugned order is held to be unlawful by

various decisions of this Court referred to in the order passed by the Division Bench in the case of *Roshal Ali Din Mohmed Mukhiya Shaikh v. State of Maharashtra*¹. The Division Bench in those Petitions set aside the order and directed the Respondent - Authorities to take a fresh decision.

2. Accordingly, the impugned order is quashed and set aside and the Respondent– Authorities are directed to take a fresh decision as per law within a period of four weeks and inform the Petitioner accordingly.

3. The Writ petition is disposed of.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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by JYOTI
PRAKASH PAWAR
Date: 2021.11.24
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¹ Cri.WP No.2115/2021 & Ors. decided on 28 October 2021.