

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4089 OF 2021

Jagjit Kaur Nirmalsingh	 Petitioner
Versus	
The State of Maharashtra and another	 Respondents
....	
Mr. Aniket Vagal, Advocate for the Petitioner.	
Ms. M.H. Mhatre, APP for the Respondent-State.	
....	

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**
DATE : 23 DECEMBER 2021

P.C.

The Petitioner has approached this Court seeking to be released on emergency (covid-19) parole as per Rule 19(C) of the Prisons (Bombay Furlough and Parole) Rules. The application of the Petitioner was rejected on two grounds, firstly, that the Petitioner has not been released on furlough or parole earlier and secondly, that the Petitioner has not given particulars of the surety of his blood relatives.

2. As far as the first ground that the Petitioner has not been released on parole or furlough leave earlier, the learned counsel for the parties are at *ad idem* that this ground is not valid as it has been held to be illegal by series of decisions of this Court.

3. As far as the second ground of furnishing surety of blood relatives is concerned, when the petition had come up earlier the learned

counsel for the Petitioner had orally argued that the relatives of the Petitioner have refused to stand surety. The learned counsel had taken time to file additional affidavit to that effect, which is tendered today. The Petitioner has stated that the petitioner's sisters have refused to stand surety. It is stated that the Petitioner had committed murder of his brother along with co-accused and, therefore, the sisters had cut-off relations with the Petitioner. The reason given in this petition that the blood relatives are not standing surety does not appear to be a mere excuse in this case, but appears to be a plausible in light of the nature of the offence and the relationship between the Petitioner and the victim. Considering these circumstances, in the facts of the case, we are of the opinion that the condition of furnishing surety of blood related should be substituted with that of a friend with the same amount. Order accordingly.

4. Since these are the only two grounds stated in the impugned order and that the first ground is not legal and the second ground is modified accordingly, the petition is disposed of by directing the Respondents to issue necessary orders to the Petitioner within a period of two weeks and inform the Petitioner of the same.

5. The petition is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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