

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETN. NO. 115 OF 2021

PETITIONER :- Sharad S/o Baliram Patil, Aged about 55 years, Occu. Nil,
(Presently Central Prison, Amravati C-5298).

...VERSUS...

RESPONDENT :- Superintendent of Jail, Central Prison, Amravati, District Amravati.

Ms Ragini Zarbade, Advocate h/f Mr.A.A.Dhawas,
Advocate for the petitioner.
Mr. T.A. Mirza, A.P. P. for the respondent.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.

DATED : 20.04.2021.

ORAL JUDGMENT : (Per : Amit B. Borkar, J.)

1. Heard.
2. **Rule.** Rule made returnable forthwith.
3. By this writ petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged order dated /12/2020 passed by the respondent rejecting application for grant of

emergency COVID-19 parole. The petitioner has been convicted for the offences punishable under sections 302, 201, 147 and 149 of the Indian Penal Code. The petitioner is undergoing sentence of imprisonment for life. The petitioner has undergone sentence of more than seven years and presently, he has been lodged in the Amravati Central Prison.

4. The petitioner on 16/12/2020 applied for his release on emergency parole for 45 days on the ground of COVID-19 pandemic. The application for emergency parole has been rejected on the ground that there is apprehension that the petitioner may not surrender himself on due date. It is also stated that the petitioner is not eligible for emergency parole, as the petitioner was not released on two occasions earlier.

5. We have carefully considered the impugned order and the copy of notification dated 08/05/2020. On careful perusal of the material on record, it appears that the petitioner had surrendered himself on due date, when he was released on furlough leave on 11/08/2020. There is no complaint that the petitioner has misused liberty granted to him. The apprehension expressed in the order about the petitioner not surrendering himself on or before due date can be taken care of by imposing appropriate conditions by the Prison Authority. The COVID-19 situation is worsening day by day. Therefore,

the notification dated 08/05/2020 still applies with full force. This Court in *Criminal Writ Petition St. No.3484 of 2020 (Raghuba W/o Kaka Patil v. The State of Maharashtra)* by order dated 10/12/2020, had allowed request for grant of emergency parole leave of the prisoner, who was in a similar position. We are therefore of the view that the petitioner also needs to be given benefit of order passed in *Criminal Writ Petition St. No.3484 of 2020*.

6. We, therefore, pass following order.
 - i. The impugned order dated __/12/2020 passed by the respondent is quashed and set aside.
 - ii. The petitioner be released on emergency COVID-19 parole on usual terms and conditions as may be prescribed by the respondent.
 - iii. The petitioner shall scrupulously abide by all the conditions imposed by the respondent for ensuring that he surrenders on or before due date at the prison.
7. Rule is made absolute in the above terms.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)