

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

CRIMINAL WRIT PETITION NO. 173 OF 2021

Sanjay Mahadeo Gajbhiye, C-5109,
Aged about 43 years, Occu. - Nil,
(Presently in Central Prison Amravati) **PETITIONER**

// VERSUS //

- 1) State of Maharashtra,
through Superintendent of Jail,
Central Jail, Amravati.
- 2) Divisional Commissioner,
Amravati Division, Amravati.
- 3) The Deputy Inspector General
of Prison, Eastern Region,
Nagpur. **RESPONDENTS**

Ms Ragini Zarbade, Advocate h/f Shri S. D. Chande, Advocate for
the petitioner.
Shri S. M. Ghodeswar, Addl.PP for the respondents.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 24.02.2021.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard Ms Ragini Zarbade, learned counsel for the
petitioner and Shri S. M. Ghodeswar, learned Addl.PP who appears by
waiving notice for the respondents.

2. **Rule.** Rule made returnable forthwith. Heard finally by
consent of the learned counsel appearing for the parties.

3. In the present case, it is not any dispute that on last of the two releases from prison, the petitioner had reported back to the Prison Authorities late by 49 days. If this is so, the petitioner would not be entitled to avail of Covid-19 parole leave in terms of the G.R. dated 08.05.2020. One of the essential conditions of the G.R. is that, if any prisoner has been released on two occasions or more, it would be necessary for such a prisoner to have reported back to the Prison Authorities well in time on the last two releases out of all the releases. In the present case, the petitioner had been released twice and on one of them, which was the last one, the petitioner had admittedly surrendered himself before the Prison Authorities after a delay of 49 days. Such being the factual situation of the present case, we do not think that any infirmity could be found in the order impugned herein. For this very reason, the view taken by Co-ordinate Division Bench at Aurangabad in the case of *Guddu @ Kansha Wahab Shaikh Vs. The State of Maharashtra, Criminal Application No. 1896 of 2020*, decided on **26.10.2020**, would not be applicable to the present case. Therefore, we find no merit in this petition. The Writ Petition is dismissed.

Rule is discharged.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)