

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

CRIMINAL WRIT PETITION NO.648/2021

Akash Devanand Tempe
Aged about 26 years, Kabir Nagar,
Nagpur (Presently in Central Prison
Nagpur C-9946)

.....PETITIONER

...V E R S U S...

State of Maharashtra through
Superintendent of Central Prison,
Nagpur.

...RESPONDENT

Mr. R. Waghmare, Advocate Appointed for petitioner.
Mr. S. M. Ghodeswar, A.P.P. for respondent-State.

CORAM:- V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.
DATED :- 20.09.2021

ORAL JUDGMENT (Per : V. M. Deshpande, J.)

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsel for the parties.

2. By this writ petition, the petitioner is challenging order dated 03.06.2020 rejecting his application for releasing him on emergency parole. Notice was issued in this writ petition on 17.09.2021.

3. Pursuant to the notice, the respondent-State has filed its reply. It is taken on record. Mr. Ghodeswar, learned A.P.P. points out to this Court that the D.I.G. (Prisons), Nagpur has passed order on 17.09.2021, thereby granting one day parole to the petitioner. The order is placed on record along with reply. Perusal of the order would show that for parole when the report from the police was called, it was favourable to the petitioner. Similarly, the petitioner has already undergone more than half of the sentence. However, it was pointed out that on the last occasion, when the petitioner was released on furlough, he surrendered one day late, though on his own. Considering this, by order dated 17.09.2021, the D.I.G. (Prisons), has granted one day parole to the petitioner.

4. Looking to the fact that the police report is favourable one, we are of the view that instead of one day, the petitioner can be released on parole for ten days on completing all the formalities.

5. Accordingly, the petitioner is granted ten days parole. The petitioner is directed to surrender himself promptly on

expiry of ten days from the date of his release on parole. It is made clear that if the petitioner commits breach of condition of surrendering in time, in future the same will be one of the adverse considerations for deciding future applications for leave, if any.

Rule is made absolute in the above terms.

JUDGE

JUDGE

kahale