

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

**CRIMINAL WRIT PETITION NO.793 OF 2021**

Deepak s/o Dalvirsingh Sisodiya,  
Aged 40 (C-5304), presently at  
Central Prison, Amravati, District-  
Amravati.

.. **Petitioner**

.. **Versus.**

1] State of Maharashtra, through  
Divisional Commissioner,  
Amravati, Dist. Amravati.

2] Superintendent of Central Prison,  
Amravati, Dist. Amravati.

.. **Respondents**

.....  
Mr. A.Y. Sharma, Advocate for the petitioner,  
Ms. N.R. Tripathi, APP for the respondents.

.....

**Coram: M.S. Sonak and  
Pushpa V. Ganediwala, JJ.**

**Date: 01.12.2021.**

**JUDGMENT (PER: M. S. SONAK, J.)**

Heard the learned counsel for the parties.

2.           **Rule.**   The rule is made returnable forthwith at the request of and with the consent of the learned counsel for the parties.

3.           The challenge in this petition is to the impugned order by which parole has been denied to the petitioner.

4.           The petitioner had sought parole on the ground of the illness of his father, who was stated to be 85 years old. The impugned order does not doubt the veracity of the petitioner's contention about the ill-health of his father. The parole has been denied only on the ground that the petitioner has been convicted in offenses including those that had attracted the provisions of the M.C.O.C. Act.

5.           The return filed vaguely states that if the petitioner is released on parole, there is a possibility of disturbance of peace and tranquility, and therefore the police authority does not recommend the release of the petitioner on parole leave.

6.           Firstly, we are not quite satisfied with the police report and the vague statement made therein. Secondly, Mr. Sharma, learned counsel for the applicant, has pointed out that the co-accused Anil

Bhanudas Waghmode had also applied for parole and was released by this Court vide order dated 2.2.2021 in Criminal Writ Petition No.649/2020 by overruling similar objections raised by the Respondents.

7. According to us, this circumstance of the release of the co-accused has not been taken into consideration while denying parole to the petitioner herein. The authorities are required to consider this circumstance. The authorities are also required to consider the conduct of the petitioner. Mr. Sharma submitted that the petitioner was released on bail during trial and he had complied with the conditions of the bail.

8. For the aforesaid reasons, we set aside the impugned order and direct the concerned authorities to reconsider the petitioner's application for parole. This time, the concerned authorities will apply their mind to all the relevant considerations including the release of the co-accused Anil Waghmode on parole in pursuance of the judgment of this Court in Criminal Writ Petition No.649/2020.

9. Since it is pointed that the petitioner's father is over 85 years of age, we direct the authorities to dispose of the petitioner's

application for parole afresh within 15 days from today. The decision should be communicated to the petitioner within this period of 15 days without fail.

10. Rule is made absolute in the aforesaid terms. There shall be no order for costs. The concerned authorities should act on the authenticated copy of this order.

**(Pushpa V. Ganediwala, J.)**

**(M.S. Sonak, J.)**