

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

958 CRIMINAL WRIT PETITION NO.198 OF 2022

SUFYAN YUNUS SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Jaiswal Rupesh A
APP for Respondents : Mr. R D Sanap

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CORAM : V.K. JADHAV & SANDIPKUMAR C. MORE, JJ.
Dated: February 10, 2022

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PER COURT :-

1. Leave to correct the prayer clause to the extent of '7 days' instead of '14 days.'
2. With the consent of parties, heard finally at admission stage.
3. Though in the year 2013, the convict Shaikh Mukhtar Shaikh Gafoor has surrendered late, and accordingly, crime no.344 of 2013 for the offence punishable under section 224 of the IPC came to be registered against him, however, twice thereafter the convict came to be released on emergency marriage parole leave on 9.6.2019 and 3.1.2020, respectively. It

aaa/-

further appears that in the year 2019 the convict was released on emergency marriage parole leave under the Police Escort, however, in the recent order of the year 2020 without imposing the condition of Police Escort, emergency marriage parole leave was granted to the convict Shaikh Mukhtar Shaikh Gafoor.

4. On perusal of the impugned order, it appears that, by referring the same crime of the year 2013 i.e. crime no.334 of 2013, again emergency marriage parole leave was granted to the convict under police escort. We find no justifiable reason to release the convict under the Police Escort. In the year 2020, the convict was granted emergency marriage parole leave on normal terms and conditions on furnishing surety.

5. In view of the above, we are inclined to allow this criminal writ petition by quashing and setting aside the impugned order dated 1.2.2022. Criminal writ petition is thus allowed in terms of prayer clause '**B**' on usual terms and conditions of furnishing surety, etc. Criminal writ petition accordingly disposed off.

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6. Parties to act on an authenticated copy of this order.

(SANDIPKUMAR C. MORE, J.) (V.K. JADHAV, J.)

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