

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

**CRIMINAL WRIT PETITION NO.721 OF 2022
WITH APPLN/1797/2022 IN WP/721/2022**

**SOMNATH S/O. BALU TAMBE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Jaiswal Rupesh A
APP for Respondent/State : Mr. S. J. Salgare

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**CORAM : C. V. BHADANG &
BHARAT P. DESHPANDE, JJ.**

DATE : 8 JUNE 2022.

P. C.

The learned Counsel for the Petitioners, on instructions, seeks leave to withdraw the petition insofar as the Petitioner Nos.1 and 3 to 24 are concerned. Accordingly, the Criminal Writ Petition is disposed of as withdrawn qua Petitioner Nos.1 and 3 to 24 are concerned.

2. Insofar as Petitioner No.2 is concerned, he has filed Criminal Application No.1797/2022, thereby seeking additional relief of grant of time till 10th October, 2022 to surrender before the Jail Authorities on

the ground that his wife is carrying four months pregnancy and is expecting her delivery in the month of October, 2022. The Petitioner No.2 has produced certain medical certificates in support of the claim. The learned Counsel for Petitioners has placed reliance on the order passed by the Hon'ble Supreme Court in Special Leave Petition (Criminal) Diary No.12262/2022 dated 18 May, 2022.

3. The learned APP has opposed the prayer *inter-alia* for the reason that the said ground is a distinct ground, which is not there in the main petition on the basis of which, extension of the period of parole was sought for. It is submitted that under the relevant rules, there is a ground for a such release and the maximum period for which, a convict can be released on such ground is 45 days. Learned APP submits that the Petitioner No.2 has not applied to the Competent Authority for grant of parole on such ground.

4. We note that the only relief sought for in the petition is of extension of emergency parole, which was granted to the Petitioner on account of pandemic. The ground which is now sought to be raised

about the pregnancy of wife of the Petitioner No.2 was not raised in the petition, nor the Petitioner No.2 has ever applied to the Competent Authority for grant of parole on such ground.

5. In such circumstances, we are unable to entertain the said prayer in this petition. It will however, be open to the Petitioner No.2 to apply to the concerned Authority for grant of parole on the ground of the pregnancy of his wife. If such an application is made, the Competent Authority shall decide the same as expeditiously as possible in accordance with law. With this, the petition is disposed of as withdrawn. The Petitioners are granted time to surrender till 16 June 2022.

6. The Criminal Application is disposed of.

BHARAT P. DESHPANDE, J.

C. V. BHADANG, J.