

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 3421 OF 2021

Lalasaheb @ Raghunath Shankar Naik	...Petitioner
vs.	
The State of Maharashtra	...Respondents

Mr. Sushil A. Inamdar - Advocate for the Petitioner
Mr. J. P. Yagnik – APP for the Respondent No. 1.

**CORAM : PRASANNA B. VARALE &
 S. M. MODAK, JJ.**

DATE : 23rd MARCH, 2022

P. C. :-

. Heard Mr. Sushil Inamdar, the learned counsel appointed for the Petitioner.

2. The learned counsel for the Petitioner invited our attention to communication forwarded to this Court dated 09/09/2021 and the copy of the application submitted by the Petitioner, who is convict No. 6521 is suffering his life imprisonment and presently lodged in Kalamba, Kolhapur Central Prison.

3. Perusal of the material placed on record show that the Petitioner-Convict submitted his application for his release on emergency parole leave and Prisoner authorities by allowing the application released

Petitioner from the prison on 10/05/2020. The Petitioner was expected to report authorities by surrendering himself on 16/02/2021. But the Petitioner failed to surrender Prison Authorities and caused a belated surrender i.e. on 06/03/2021. Thus, there was a delay of 18 days in surrender by the Petitioner.

4. In the communication apprised to this Court dated 13/05/2021, the Petitioner submits that the delay caused in surrender was for bonafide reasons namely, his ill health. The Petitioner by way of the communication prays for his release.

5. Considering all these aspects, we are of the opinion that the Petition itself can be disposed of by permitting the Petitioner to file a fresh application to the Appropriate/Competent Authorities for grant of emergency parole leave. If the circumstances prompt the Petitioner to file such application, the Petitioner may file such application, if so advised within two weeks from today. On receipt of such application, the Competent Authority to decide the application on the merits of the application without raising the rider of belated surrender of the Petitioner.

6. These observations are on the backdrop of the fact that when the Petitioner-Prisoner was released on account of the emergency parole leave due to Covid-19 out break, the extension were granted to said prisoner considering the prevailing circumstances. Learned APP also admits this

factual position. Therefore, the prison authorities are directed to consider the application on its own merits without insisting for rider of belated surrender. The Appropriate authority is further directed that in case the application filed by the Petitioner for grant of emergency parole leave, the same be decided as expeditiously as possible.

7. With these observations, Petition is disposed of. The fees of the appointed learned counsel for the Petitioner be paid as per rules.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)