

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

WRIT PETITION NO. 4034 OF 2021

Mateen Mastan Shaikh	...Petitioner
vs.	
The State of Maharashtra	...Respondent

Mr. Vainhav V. Ugale - Advocate for the Petitioner
Ms. S. D. Shinde - APP for the Respondent-State

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

DATE : 25th APRIL, 2022

P. C. :-

1. Heard, the learned council for the Petitioner.
2. Limited grievance raised in this Petition. The learned counsel appointed to represent the Petitioner submits that the Petitioner that is, Convict No. 12119, suffering his life imprisonment awarded by judgment and Order passed by the learned Special Session Court Latur in Special POCSO Case No. 26 of 2006, the Petitioner submitted application for grant of Emergency Parole leave in view of the Government Resolution issued on the backdrop of outbreak of Covid-19 pandemic. The Application is rejected, assigning the reason that presently all the necessary arrangements are made in the prison and all precautionary

measures taken by the Prison Authorities. Separate wards also created so as to provide treatment to those patients who are reported positive. The regular testing is also done by the Prisoner Authority. The Prisoners and officers and entire staff working in the prison are subjected to antigen test and rapid test periodically or daily as required. It is also stated in the order that the all the precautionary measures are taken not a single person is reported positive.

3. Considering the reasons, we are of the opinion that no error committed by the Prison authorities. As we are unable to find any fault with the Prison Authorities.

4. Accordingly, the Petition is dismissed. Though the Petition is dismissed, the Petitioner is not prevented to file fresh application in view of the fact that order of rejection was recorded in the year 2020 and two years have been lapsed after the rejection order. As such, in case the Petitioner file a fresh application for grant of emergency parole leave, the Prisoner Authorities may consider that application on its own merits. With these observations directions, Petition is disposed of.

5. The fees of the appointed counsel for the Petitioner be paid as per the rules.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)