

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

WRIT PETITION NO. 4057 OF 2021

Shaikh Khalid Shaikh Ismile

...Petitioner

vs.

The State of Maharashtra

...Respondent

Ms.Priyanka Chavan for Petitioner.

Ms.A.S. Pai, PP for State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 2 FEBRUARY 2022

P.C. :

. Heard learned Counsel appointed for the Petitioner.

2. The challenge in this petition is to an order passed by the Superintendent of Prison, Nashik Road Central Prison. The Petitioner, who is lodged in Central Prison, Nashik as Convict No.C/12566 suffering life imprisonment vide a judgment and order passed by the learned Sessions Judge, submitted an application for release of the Petitioner on emergency parole leave on the ground of Covid-19 pandemic. The competent authority on the backdrop of these facts that all the precautionary measures are taken by the prison authorities to prevent the spread of covid virus, such as regular and frequent scanning of the staff employees and inmates in the prison; the immediate medical assistance being provided in cases where the positive report is received and a special arrangement in the nature of covid centre installed next to prison premises for providing the requisite medical

treatment to the positive inmates, rejected the prayer of the Petitioner for the release on the ground of Covid-19 pandemic. It was also observed in the rejection order by the prison authorities that the occupancy of the inmates in the prison is controlled and the prison authorities are taking appropriate steps so as to prevent overcrowding in the prison.

3. Considering the reasons assigned in the rejection order, we are of the opinion that no error is committed by the prison authorities. Reasoned order is passed while rejecting the application of the Petitioner. Thus, the challenge raised in the order impugned in the petition fails.

4. We further make it clear that the Petitioner has submitted that it was his request for release and prior to that application, the Petitioner was not released either on parole leave or furlough leave even for once. It seems that this factual position is admitted by the authority and such reference is made in the order impugned in the petition.

5. Accordingly, we permit the Petitioner to file a fresh application to the authorities. In case, the Petitioner desires to file application afresh to the authority on other grounds than the ground which was raised in the earlier application and if such an application is received by the prison authorities, the authorities may pass appropriate orders considering the merit of such application filed by the Petitioner, as expeditiously as possible.

6. With these observations, the writ petition is disposed of.

7. Fees of learned Counsel appointed to represent the Petitioner is

quantified at the rate of Rs.5000/-. Office to take appropriate steps so as to disburse the amount of fees to learned Counsel appointed for the Petitioner.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)