

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5792 OF 2021

Raj @ Harishankar Avdhibihari Shukla. ... Petitioner.
V/s.
The State of Maharashtra. ... Respondent.

Mrs.S.D.Shinde, APP for the Respondent- State.

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CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATE : 29 July 2022.

P.C. :

By this petition, the Petitioner has sought to be released on emergency (Covid-19) parole. The Petitioner has filed an interim application and various letters that his request to be considered to be released on emergency (Covid-19) parole.

2. By an amendment to Rule 19 of the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959, policy of emergency (Covid-19), in light of Covid-19 pandemic, was introduced. Thereafter through Government Resolutions and the reports submitted by the High Power Committee under the orders of the Hon'ble Supreme Court certain categorization of offences were

excluded from the consideration to be released on emergency bail. One of them is section 376 of Indian Penal Code and it was also provided that the convicts under the Special Acts were excluded from granting such emergency parole.

3. The learned APP points out that the Petitioner was convicted under section 376 of IPC and under the provisions of the Protection of Children from Sexual Offences Act, 2012. Therefore, the Petitioner was not entitled as per the categorization made under the Government Resolutions and the amendment to Rule 19 and the report of the High Power Committee.

4. Even otherwise, as on today, as per the Government Resolution dated 4 May 2022, the policy of granting emergency (Covid-19) parole is discontinued. Therefore, no such relief can be granted.

5. Writ petition, therefore, cannot be entertained and is rejected. Interim application is also disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)