

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1167 OF 2022**

Hemant Ramakant Godambe	Petitioner
Versus	
The State of Maharashtra and anr.	Respondents

Mr. Aniket Vagal along with Mr. Kunal Pednekar, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.

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

DATE : 18th APRIL, 2022.

P.C. :

1. A very limited issue is involved in the petition. The petitioner-convict No.12680 lodged in Nashik Road Central Prison and suffering his sentence awarded by the learned Sessions Judge vide judgment and order dated 13th January, 2021, submitted an application for grant of emergency parole leave on 8 January 2022. The prison authorities, by assigning reasons, rejected the application vide order dated 1st February 2022. Perusal of the order shows that the details as stated in the order in respect of cautionary measures taken by the prison authorities. It is also stated that 100% vaccination is completed in prison and not a single positive patient was found in the periodical tests conducted in the prison.

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Considering this aspect of the matter, we are of the opinion that no error is committed by the prison authorities. The petition, thus, being meritless deserves to be dismissed.

2. Learned counsel for the petitioner submitted that while assigning reasons of precautionary measures, the prison authorities have also observed in its report that the petitioner has committed very serious offence and considering seriousness of the offence, the prayer for release of the petitioner cannot be accepted. Mr. Vagal, learned counsel for the petitioner submitted that this observation may be used as rider against the petitioner, in case, the petitioner files a fresh application. Considering this aspect of the matter, we direct the prison authorities that in case the petitioner files fresh application, such application be decided on its own merits without reiterating the rider. With these observations, the petition is dismissed.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)