

Akshay Deepak Chavriya ...Petitioner

Versus

The State of Maharashtra & Anr ...Respondents

- Mr. Akshay Bankapur for the Petitioner.
- Ms. Prajakta P. Shinde, APP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : JUNE 14, 2022.

PER COURT :

1. By claiming an extreme urgency, the Petition is circulated before this Court. Taken on production board.

2. The Petitioner, who is presently lodged in Nashik Road Central Prison as Convict No. 11225 suffering his life imprisonment pursuant to judgment and order dated 06th May, 2017 passed by the learned Sessions Judge, Nashik, prayed for an emergency parole leave on account of marriage of his sister. The judgment and order passed by the learned Sessions Judge

is subjected to an Appeal preferred by the Petitioner namely, Criminal Appeal No. 708/2017 and the Appeal is admitted by this Court.

3. The application was submitted to the competent authority on 06.05.2022. Our attention was invited to the copy of marriage invitation card of sister of Petitioner. Same is placed on record at Exhibit 'C' Collectively. Perusal of marriage invitation card shows that marriage of sister of Petitioner namely, Aarti is scheduled on 16.06.2022 with Shri Nikhil. There are certain functions on 15.06.2022 also.

4. Learned Counsel appearing for the Petitioner submitted that Aarti being his only sister, the Petitioner earnestly desire to attend her marriage and to see that his sister is settled in life. Learned Counsel appearing for Petitioner further submitted that as there was no decision on the application, the Petitioner was left with no choice but to approach this Court by filing the present Petition. Thus, learned Counsel appearing for the Petitioner prayed that Petition may be allowed.

5. Learned APP appearing for Respondent – State invited our attention to the report forwarded to Commissioner of Police, Nasik City on 07.06.2022. Copy of the same is taken on record and marked 'X' for identification. It is the submission of learned APP that on earlier occasion the Petitioner was released by grant of emergency parole leave, but the Petitioner misused the liberty and was indulged in the act of commission of crime leading to registration of crime bearing C.R. No. 38/2021 at Upnagar Police Station, Nasik. Learned APP, on the basis of report, further submitted that the Petitioner made reference to a person namely, Sanjay Lucky Bidlon as surety of the Petitioner, but the said person denied to stand as the surety for the Petitioner. It is further stated in the report that in near future the Corporation Elections are scheduled and there is an apprehension that the Petitioner may commit some act causing disturbance to law and order. Thus, learned APP prayed that Petition may be dismissed.

6. Though, learned APP opposed the Petition and apprehension expressed by the Authority was on the

basis of previous act of the Petitioner, considering the fact that the Petitioner submitted his application well in advance before the Prison Authority and Petitioner by availing the legal remedies on account of marriage of his sister prayer for emergency parole leave, and as there was no decision on the application for a considerable period, we are inclined to allow the Petition.

7. Learned Counsel appearing for Petitioner was also justified in submitting before this Court as marriage of his only sister is scheduled on 16.06.2022, the Petitioner is earnestly desires to attend marriage and this desire of the Petitioner is quite natural.

8. In our opinion, the apprehension expressed by the Authorities as submitted before this Court through learned APP can be taken care of by imposing appropriate conditions. Hence, the following order is passed:

O R D E R

A. The Petition is allowed and the Respondent No. 2 Jailor / Superintendent, Nashik Central Prison, Nashik is directed

to release the Petitioner on an emergency parole leave.

- B.** The Petitioner be released from Nashik Road Central Prison on 15.06.2022 at 11.00 am.
- C.** The Petitioner to attend the marriage of his sister scheduled on 16.06.2022 at a premises namely, Nagarpalika Building, Upnagar Colony, Nasik in a Escort Unit consisting of 3 persons i.e., One Officer either Rank of PSI or API and two armed constables.
- D.** The Petitioner be brought back to Nashik Road Central Prison on 17.06.2022 on or before 05.00 pm.
- E.** The Petitioner to bear the Escort charges along with vehicle charges as per the rules.
- F.** All concerned shall act upon a copy of this order which is duly authenticated by the Registry of this Court.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)