

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3471 OF 2021

Tukaram Kashinath Khambayat. ...Petitioner.
Versus
The State of Maharashtra. ..Respondent.

Mr. Ratnesh M. Dube for the Petitioner (appointed advocate).
Ms. M. H. Mhatre, APP for the Respondent-State.

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

Date : April 12, 2022.

P. C. :

1. By the present writ petition, the Petitioner who is presently lodged in Nashik Road Central Prison has raised a grievance in relation to an onerous condition imposed upon him while allowing his application for grant of parole leave. It is submitted before this Court that the relevant condition imposed in the order, i.e., Condition No.5, – directing the Petitioner to submit a surety to the tune of Rs.25,000/- and one government surety of the same amount, is an onerous condition and failure to comply with these conditions would result in depriving the Petitioner from the benefit of parole leave.

2. Learned appointed counsel Mr. Ratnesh Dube submitted that in an identical circumstances, the Division Bench of this Court has disposed of Writ Petition No.2345 of 2016 vide order dated 16th December 2021. In view of the order of this Court dated 16th December 2021, fresh orders were passed

by the authority. As such, nothing survives in the petition and the petition is accordingly disposed of.

3. The Registry / Committee shall quantify the fees of the appointed advocates as per the extant Rules and the same to him at the earliest possible.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]