

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3943 OF 2022

Anis S/o Yunus Nadaf

... Petitioner

V/s.

State Of Maharashtra

... Respondent

Mr. Rupesh A. Jaiswal for Petitioner.

Mr. Ajay Patil APP, for Respondent-State.

Mr. B. M. Tadavi, Jailor Gr-II, Yerwada Central Prison.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 23rd NOVEMBER, 2022.

PC. :

1. Present Petition is filed by son of the convict namely Anis Yunus Nadaf seeking parole leave of his father on the ground of marriage of daughter of convict which is scheduled on 25th November, 2022 at village Dahitane, District Solapur.

2. Learned Advocate for Petitioner submitted that, Competent Authority by its Order dated 10th November, 2022 has granted parole leave to the said convict, however conditions imposed therein for four days of parole leave, are onerous and therefore by leave of this Court he amended Petition and incorporated a prayer for quashing of said Order dated 10th November, 2022.

3. By the said Order dated 10th November, 2022 the Petitioner's father has been granted parole leave for four days in police escort on

payment of necessary charges and also with cash security of Rs.1,00,000/- with one or two sureties for the sum of Rs.50,000/- each.

4. Learned Advocate for Petitioner submitted that, the said condition of Police escort charges is onerous because the escort charges may ranged between Rs.75,000/- to Rs.1,00,000/- and therefore the Petitioner may not be able to pay the same. He submitted that, the condition of payment of deposit of Rs.1,00,000/- cash security is also an onerous condition, taking into consideration the financial condition of the Petitioner. He therefore prayed that, the said condition suitably be modified.

5. Learned APP has produced record of Petitioner. The impugned Order dated 10th November, 2022 itself mentions that, when the Petitioner's father was released on parole leave on earlier occasion in the year 2010, he absconded and was required to be arrested, brought back to Jail Authority after lapse of 1141 days. The condition of Police escort has therefore been imposed upon the Petitioner's father.

6. In view of the above and after taking into consideration pleadings of Petitioner, we are of the considered opinion that, the cash security amount of Rs.1,00,000/- imposed upon Petitioner's father by the Competent Authority can be reduced to Rs.25,000/- in the interest of justice.

7. Learned APP on instructions from the concerned Authority, has informed this Court that, escort charges including the vehicle charges

for four days for the requisite Police staff to be provided for, may be between Rs.75,000/- to 80,000/- and the said amount will have to be paid by the Petitioner's father in the Government Exchequer.

8. Hence following Order :

- (i) Order dated 10th November, 2022 passed by Respondent No.2, Deputy Inspector General of Prison, Western Zone, Pune-6 is modified and Petitioner is directed to deposit cash security of Rs.25,000/- instead of Rs.1,00,000/-.
- (ii) Rest of the Order dated 10th November, 2022 is maintained.
- (iii) As far as Police Escort is concerned, the Police party who may accompany the Petitioner's father at the marriage place of his daughter i.e. at village Dahitane, District Solapur is directed to be in civil cloths, instead of regular uniform.
- (iv) Petition is partly allowed in the aforesaid terms.
- (v) All the concerned to act on the basis of an authenticated copy of this Order.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]