

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 53 OF 2022

Yogesh Pandurang Kupekar,
Aged about 48 years, Occu. - Nil,
C/10251, (Presently in Central Prison
Nagpur).

.... **PETITIONER**

// **VERSUS** //

1) State of Maharashtra,
Through Superintendent of Jail,
Central Jail, Nagpur.

2) Divisional Commissioner,
Nagpur Division, Nagpur.

.... **RESPONDENTS**

Mr. Raju Kadu, Advocate for Petitioner.

Mrs. N.R. Tripathi, Additional Public Prosecutor for Respondents.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATED : 29.06.2022

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The Petitioner is seeking his release on emergency parole on the ground of renaissance Covid-19 Pandemic. However, now there is a great change in the situation, in the sense that near normalcy has

been restored and, therefore, it may not be now possible to consider the application for grant of parole on this ground. In fact, as rightly submitted by the learned Additional Public Prosecutor, the Apex Court has already taken a stricter view of a prisoner, who has been released on parole on the ground of Covid-19 pandemic when it directed, in its order dated 29.04.2022 passed in ***Writ Petition (Civil) No.1067 of 2021***, the prisoners to report back to the prison within two weeks from the date of the order. The Apex Court noted that parole granted to the prisoners could not be extended any further. Besides, the additional ground of Covid-19 that was available to the prisoners to seek parole has now been withdrawn by the Government Resolution dated 04.05.2022.

3. Such being the present position of law, we are of the view that the Petitioner is not entitled to be released on parole on the ground of Covid-19 pandemic. No interference therefore in the impugned order can be made.

4. The Writ Petition stands dismissed.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)