

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

Criminal Writ Petition No.100 of 2022

Mr. Sandeepkumar Yadav,
C.5636,
Aged : Major, About 51 years,
Detained at the Amravati Central Prison,
Amravati.

... Petitioner

Versus

1. State of Maharashtra,
through Secretary,
Department of Home,
Mantralaya,
Mumbai 400 032.
2. The Superintendent,
Amravati Central Prison,
Amravati.

... Respondents

Smt. Mayuri Kulkarni-Dharmadhikari, Advocate (Appointed) for
Petitioner.
Ms. N.R. Tripathi, Additional Public Prosecutor for Respondents.

CORAM : SUNIL B. SHUKRE & G.A. SANAP, JJ.

DATE : 16th JUNE, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally by
consent of the learned counsel appearing for the parties.
2. There is no dispute that the issue of grant of emergency
parole on the ground of COVID-19 Pandemic involved in this petition
is squarely covered by the view taken by another Division Bench of

this Court in Criminal Writ Petition No.580 of 2021 [*Ayyaz Khan Versus State and another*] decided on 29-4-2022. In that case, the Division Bench held that due to subsequent event, namely the substitution of Rule 19(1)(C) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959, the privilege conferred on the prisoners for being released on emergency parole due to COVID-19 Pandemic has been withdrawn and as such there was no basis for granting emergency parole on this ground to the petitioner therein. Similar is the case with the petitioner herein. Therefore, we find that there is no substance in this petition.

3. The petition is dismissed. Rule stands discharged.

4. We, however, grant liberty to the petitioner to make an application for grant of emergency parole on the ground of COVID-19 Pandemic, if there is rise in COVID cases.

5. The legal remuneration of the learned appointed counsel for the petitioner is quantified at Rs.7,000/- (Rupees Seven Thousand only) and the same shall be paid by the High Court Legal Services Sub-Committee, Nagpur.