

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.867 OF 2023

HUSSAINKHAN @ BALI IBRAHIM KHAN (C/9930)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Ms.S.P.Chate, Advocate for petitioner
Mr.A.R.Kale, APP for respondents

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.**
DATE : JUNE 23, 2023

ORDER :-

Issue notice to the respondents. Learned APP waives notice for the respondents.

2. Learned APP has reservations to allow the petition, on the ground that the police report is adverse to the petitioner. He places on record a copy of the police report. It is evident therefrom that in the past, three crimes for the offence under Section 12-A of the Bombay Prevention of Gambling Act were registered against him.

3. We do not find registration of those crimes to observe him to be dangerous to the society, if granted death parole.

4. The mother of the petitioner has passed away on 06.06.2023. Some funeral rituals will be performed. It is true that two of the brothers of the petitioners are released. Apprehension of the State can be taken care of by directing the petitioner to mark presence at the concerned police station everyday.

5. In view of the above, the petition is allowed by setting aside the order refusing to grant the petitioner death parole of seven days. The petitioner is hereby granted death parole for a period of seven days from the date of his release, on the condition of his furnishing P.R. Bond in the some of Rs.15,000/- with one surety in the like amount. The petitioner shall mark presence at Chhavni Police Station, Aurangabad, everyday at 08.00 p.m.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP