

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1456 OF 2023

Rahul Rajaram Shelke

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Ms. S.P. Chate, Advocate for petitioner

Mrs. V.N. Patil Jadhav, A.P.P. for respondents

....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 06th NOVEMBER, 2023**

PER COURT :

1. The petitioner's wife expecting delivery in a couple of weeks. It is informed that she is suffering labour pains. The authority concerned have turned down the petitioner's application for parole on the ground of there being no gap of one and half years between his previous release and the application which has been rejected.

2. Number of times it has been told to us that the proviso to Rule 19 of the Prisons (Bombay Furlough and Parole) Rules is under consideration. It is also informed by learned counsel for the petitioner that this Court at Nagpur Bench was about to hold the said rule to be unconstitutional, but on

the intervention of the State making a submission to have a re-look at the said proviso.

2. In view of above, we are inclined to grant the petitioner parole for forty-five (45) days from the date he is released from jail. The authorities concerned shall impose usual terms and conditions for his release. Criminal writ petition stands disposed of accordingly.

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)