



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1768 OF 2023

Sanjay Jagannath Malawe

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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

Mr. V.K. Kotecha, A.P.P. for respondent no.1 - State

....

CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 11th DECEMBER, 2023

PER COURT :

1. Heard.

2. The petitioner's application for parole on account of medical ground of his mother has been turned down only on the ground of there is nobody to stand surety for his return to prison. The other ground on which the parole has been denied is that there is no gap of one and half year post his last surrender to the jail and proposed release.

3. Learned A.P.P. has strong reservation to allow the petition. According to her, police report indicates that there is no one to stand surety for the petitioner.

4. The petitioner is in open prison. He has two brothers, settled in foreign countries. As such, petitioner is the only son of his parents available in India. His father is eighty years old. The mother is seventy-three. Medical record of the petitioner's mother has been placed on record to indicate she has been suffering since August 2023 and may be required to undergo an operation. The ground that one and half year is not passed post petitioner's last surrender is unsustainable, since time and again it was brought to our notice that proviso to Rule 19(2) is said to be under review by the State Government. Since the petitioner is in open prison, he can be released on his own bond.

5. Considering the health condition of the petitioner's mother and he being the only son available in India to take care of his mother, we grant the petitioner parole for a period of twenty-one days. The authority shall not ask the petitioner for execution of surety bond. The authority may, however impose usual terms and conditions for release of the petitioner on parole. The authority is expected to comply with this order within a couple of days.

6. Criminal writ petition stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

SSD