



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1773 OF 2023

Govind Babarao Thite

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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

Mr. A.R. Kale, Add.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, by this petition, has prayed for grant of parole which has been turned down mainly on the ground of period of one and half year to have not passed post his last surrender back to the jail. Learned Additional Public Prosecutor informs that petitioner overstayed for a period of 221 days. The authority concerned may take appropriate action in that regard. The papers on record indicate the petitioner's wife is scheduled to undergo operation the day after tomorrow.

3. The ground that one and half year has not passed after his last surrender to the jail would no longer be a ground in view of medical

emergency and the fact that proviso to Section 19(2) of Cr.P.C., which comes in way of the petitioner, is said to be under review by the State Government. Neglecting the said proviso, this Court as well as the Court sitting at Nagpur Bench has granted the concerned petitioners relief relying on the statement made by learned A.P.P. therein. In view of the same, we find that there shall be no hurdle of proviso to Section 19(2) of Cr.P.C. to grant the petitioner parole, more so when his wife is scheduled to undergo an operation day after tomorrow.

4. In view of above, criminal writ petition is allowed. The petitioner is granted parole for forty-five (45) days on the condition that he shall attend Jintur Police Station, Dist. Parbhani every alternate day by 07:00 p.m. until his period of forty-five days parole is over. The authority concerned shall impose usual conditions for the petitioner's relief. We expect the order shall be complied with latest by tomorrow.

5. Criminal writ petition stands disposed of accordingly.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

SSD