

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION NO.915 OF 2022

Tushar s/o Damodhar Bangera(in Jail)

vs.

Divisional Commissioner of Prison (East), Nagpur and
The Superintendent of Central Prison, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Aakash K.Sorde, Advocate for petitioner.
Ms Nandita Tripathi, with Ms S.S.Jachak, Additional Public Prosecutor for
respondents.

CORAM :- A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.
DATE :- JANUARY 13, 2023.

Rule. Rule made returnable forthwith and heard the
learned counsel for the parties.

The petitioner pursuant to his conviction in Special Criminal (POCSO) Case No.1059/2013 is suffering imprisonment at Central Prison, Nagpur. On 19.12.2022 the Superintendent, Central Prison Nagpur was pleased to direct release of the petitioner on emergency parole for a period of seven days since his father had expired. The petitioner is aggrieved by the condition imposed pursuant to the said order by which he is required to deposit an amount of Rs.2,51,370/ as expenses for police escort.

It is submitted by the learned counsel for the petitioner that considering the petitioner's financial condition he would not be in a position to deposit that amount towards police escort. Relying upon the decision in Criminal Writ Petition No. 813 of 2022 (*Avinash Bhimrao Bagade Vs. State and another*) decided on 25.11.2022 wherein such amount was reduced in the light of poor financial condition of the petitioner therein, it is submitted that a

similar course be followed.

Reply has been filed by the respondents opposing the said request. It is stated that the amount to be deposited is as per norms and there is no reason to reduce such amount.

On hearing the learned counsel for the parties, we find that under Rule 19(1)(C) of the Prisons (Bombay Furlough and Parole) Rules, 1959 as amended, power has conferred on the Superintendent of Prisons and thereafter on a reference made to the Deputy Inspector General of Prisons to reduce the expenses of police escort. In *Avinash Bhimrao Bagade* (supra) after noting financial condition of the petitioner therein, this Court directed payment of Rs.Ten thousand as charges for the police escort with a further security bond of Rs.Twenty five thousand.

Considering the fact that emergency parole has been granted to the petitioner in view of death of his father, the following order is passed:

- (i) The petitioner is entitled to benefit of emergency parole in terms of the order dated 19.12.2022 passed by the respondent no.2-Superintendent, Central Prison, Nagpur subject to deposit the amount of Rs. Fifteen thousand towards expenses of the police escort with the respondent no.2 before his release. In addition, the petitioner shall also furnish security bond of Rs. Twenty Five thousand of one or more sureties.
- (ii) The petitioner shall comply with the conditions imposed in the order granting him emergency parole.
- (iii) Rule is made absolute in aforesaid terms.

Authenticated copy of this order be furnished to the learned counsel for the parties.