



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1288 OF 2024

Kundan Suresh Pardeshi

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Ms. S.P. Chate, Advocate for petitioner
Mr. S.S. Dande, A.P.P. for respondents
....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : 25th JULY, 2024

ORDER (PER : R.G. AVACHAT, J.) :

1. Leave is granted to amend the petition and prayer clause.
Amendment to be carried out forthwith.

2. The petitioner, who is a convict lodged in Harsool Central Prison,
is seeking parole for the purpose of his own marriage.

3. It is submitted by learned counsel for the petitioner that the
petitioner had applied before the concerned authority for seven day's parole
leave on the ground that he himself is getting married. She submitted that
the concerned authority has rejected his application and the appeal against
the said rejection has also been dismissed. She submits that the copy of

marriage invitation card is enclosed with the petition and urged for allowing the petition.

4. Petition is opposed by learned A.P.P. He submits that there is no such provision in the rules that the prisoner/convict should be granted parole for his own marriage. He submits that the concerned authority has rightly rejected the application of the petitioner.

5. Papers on record shows that the petitioner is getting married on 28th July, 2024. There is averment in the petition that while on earlier parole, the petitioner fell in love with the bride and she is now pregnant from him for two months. This is peculiar circumstance. We quite see that rules i.e. The Prisons (Bombay Furlough and Parole) Rules, 1959, permit the prisoner/convict to attend the marriage of siblings, however there is no provision for such leave for marriage of the prisoner/convict himself. This Court, in Criminal Writ Petition No. 1315 of 2023 vide order dated 15th September, 2023 granted parole for thirty days to attend the marriage of the petitioner therein. In this case, the girl with whom the petitioner is getting married is before the Court today. She supports the averment in the petition.

6. In view of above, in exercise of power under Article 226 of the Constitution of India, we allow the petition in terms of prayer clause (b). The

petitioner shall be released on cash security of Rs.25,000/- (Rupees Twenty Five Thousand). Parties to act upon authenticated copy of this order.

SSD (NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)