



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

922 CRIMINAL WRIT PETITION NO. 1604 OF 2024

Aakash Sunil Mahadik C-9768
aged about 41 Year. Occ. Nill
R/o. at present Fursungi, Tq. Haweli,
District Pune, serving sentence at Harsool Central
Prison. Dist. Chhatrapati Sambhajinagar Petitioner

Versus

- 1) The State of Maharashtra
Through it's Secretary, Home Department
Mantralaya. Mumbai 400032
- 2) The Divisional Commissioner
Chhatrapati Sambhajinagar Division.
Dist - Chhatrapati Sdmbhjinagar
- 3) The Superintendent,
Harsool Central Prison,
Ch. Sambhajinagar Respondents.

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Advocate for the Petitioner : Ms. S.P. Chate
APP for Respondents : Mr. A M Phule

**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : September 06, 2024

PER COURT :-

1. Present petition has been filed for directing the respondent no.2 to decide application filed by the petitioner for extension of Parole leave which he has preferred on 16.8.2024. However, during pendency of the present petition, order came to be passed on 2.9.2024 rejecting the said application and, therefore, amendment has been carried out

and petitioner challenges said order of rejection of extension of his parole leave.

2. Heard Ms. Chate, learned advocate for the petitioner and Mr. Phule, learned APP for respondents-State.

3. The important aspect that is required to be considered here is that parole leave was granted under the orders of this Court in Writ Petition No.1242 of 2024 dated 16.7.2024 for a period of thirty days on the ground of treatment to be given to the mother of the petitioner who was suffering from Osteoarthritis (i.e. inflammatory type). It appears that now she has been advised knee replacement operation and she has shown her willingness to undergo the same. Certificate i.e. issued by Eagle Multispeciality Hospital on 28.8.2024 would show that admission is proposed on 18.9.2024 and the fitness would be tested. Certificate shows that if all tests are normal, then operation is planned on 20.9.2024. As per the earlier order passed under orders of this Court, the petitioner is supposed to surrender today.

4. In fact, we are more concerned that the petitioner should be with his mother on the day of operation and, therefore, instead of going further into the technicalities and also depending on situation of the mother, it will not be certain that operation would be performed on 20.9.2024, we **dispose of** this writ petition by giving directions to respondent no.2 that, if tests of the mother of petitioner are normal and, accordingly, the operation would be performed on 20.9.2024, then, even if the petitioner given application to that effect on

19.9.2024, then it should be decided on the same day. Further, it appears that still he can enjoy thirty days leave as per rules, then suitable days leave may be considered by respondent no.2.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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