

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 968 OF 2024**

Chhaya w/o. Shankar Pawar

(Husband of Petitioner Shankar s/o. Subrao Pawar) ... Petitioner

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Rupesh A. Jaiswal for Petitioner.

Mr. S.V. Gavand, A.P.P for Respondent-State.

Mr. B.M. Tadavi, Jailor Gr. II, Yerwada Central Prison, Pune is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 27th March 2024.

P.C. :

1) By the present Petition, the Petitioner, wife of convict namely Shankar Subrao Pawar has prayed for grant of additional days of parole leave on account of marriage of his sole daughter.

2) Record indicates that, the marriage of daughter of convict Shankar Subrao Pawar is scheduled on 28th March 2024 at about 12.45 p.m. at Jay Bhavani Nagar, village Dhoki, Taluka and District Dharashiv. A photocopy of Invitation Card is annexed to the Petition. The said fact has been verified by the concerned Authority, as it reflects from the Order dated 26th March 2024 passed by the Respondent No.2.

2.1) On an application filed by the convict for special parole leave, the Respondent No.2 by its Order dated 26th March 2024 has directed him to be released on special parole leave for one day i.e. on 28th March 2024 in police escort.

3) The fact that, the marriage of convict Shankar Subrao Pawar is scheduled and would be solemnized on 28th March 2024 is not in dispute. Record further indicates that, the Petitioner was earlier released on parole leave in the year 2012 and he reported back to the Jail Authority within stipulated period. The co-accused of the Petitioner, namely, Arjun @ Kondya Chhagan Kale was released on parole leave on 18th November 2019 for a period of 7 days on the ground of his son's marriage under the Orders of Respondent No.2, without imposing the condition of police escort. The co-accused reported back to the Jail Authority within stipulated period.

4) Learned Advocate for Petitioner submitted that, the convict Shankar Subrao Pawar is behind bars for more than 17 years. That, substantial expenses are being incurred for the marriage of her daughter and it will not be possible for her to pay the police escort charges, which are more than Rs.40,000/-.

4.1) Learned A.P.P., on instructions from Mr. B.M. Tadavi, Jailor Gr. II, Yerwada Central Prison, Pune, submitted that, the police escort charges for one day would be approximately Rs.44,700/-.

5) After taking overall view of the matter, we are of the considered opinion that, the convict, namely Shankar Subrao Pawar be released on special parole leave without police escort for a period of four days i.e. from 8.00 a.m. of 28th March 2024 till 10.00 a.m. of 1st April 2024. The Order dated 26th March 2024 passed by the Respondent No.2 indicates that, the documents of surety of convict Shankar Subrao Pawar have already been verified and therefore, according to us, fresh verification of documents of surety are not necessary. The convict Shankar Subrao Pawar shall report back to the Jail Authority on or before 10.00 a.m. of 1st April 2024. During the said period of special parole leave the convict Shankar Subrao Pawar shall mark his presency to Shiradhon Police Station, District Dharashiv on 29th and 31st March 2024 between 11.00 a.m. and 12.00 noon.

6) Hence, the following Order.

- (i) The convict Shankar Subrao Pawar be released on special parole leave without police escort for a period of four days i.e. from 8.00 a.m. of 28th March 2024 till 10.00 a.m. of 1st April 2024, on his furnishing P.R. bond of Rs.25,000/- with one local surety to make up the amount.
- (ii) During the said period of special parole leave, the convict Shankar Subrao Pawar shall mark his presency to Shiradhon Police Station, District Dharashiv on 29th and 31st March 2024 between 11.00 a.m. and 12.00 noon.

(iii) The convict Shankar Subrao Pawar shall report back to the Jail Authority on or before 10.00 a.m. of 1st April 2024 without seeking any extension or on any excuse in that behalf.

7) Petition is allowed in the aforesaid terms.

8) List the Petition on board on 3rd April 2024, under the caption 'For Reporting Compliance of the Order'.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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