

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2731 OF 2023****Shubham Alias Shivam Gulab Shingane**

... Petitioner

V/s.**The State of Maharashtra & Anr.**

... Respondents

Ms. Bhagyashri Mangale for Petitioner.

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

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 6th February 2024.****P.C. :**

1) The application of the Petitioner for parole leave on the ground of attending his ailing mother has been rejected by the Respondent No.2 by its impugned Order dated 26th April 2023. Petitioner has impugned the said Order herein.

2) Heard learned counsel for the Petitioner and learned A.P.P. for Respondent-State. Perused record produced before us.

3) It is a fact on record that, the Petitioner had given name of Shri Dashrath Atmaram Chaudhari as his prospective surety for releasing him on parole leave. It was stated by the Petitioner that, the said Dashrath Chaudhari was his maternal cousin brother. During verification of the said

fact, the Sub-Divisional Police Officer, Amalner submitted a report stating that the information provided by the Petitioner that Dashrath Chaudhari is his maternal cousin brother is a false information. The concerned Police Officer has also given other reasons for not releasing the Petitioner on parole leave.

4) As the Petitioner had submitted false information to the Jail Authority for his release on parole leave, it *prima-facie* indicates that, the Petitioner may not be having *bonafide* intention in coming out of the Jail before completing the sentence. On this count alone, we are not inclined to interfere with the impugned Order dated 26th April 2023.

5) Petition is accordingly dismissed.

6) However, we grant liberty to the Petitioner to file a fresh application for furlough / parole leave as may be permissible under the Maharashtra Prisons (Mumbai Furlough and Parole) (Amendment) Rules, 2018 and the Competent Authority will consider it on its own merits.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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