



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

CRIMINAL WRIT PETITION NO.338/2024

Manish Nilkanth Gedam,
aged about 46 Yrs., Convict presently
at Central Prison, Nagpur.

... Petitioner

- Versus -

The Superintendent Central Prison,
Nagpur.

... Respondent

Mr. Mir Nagman Ali a/w Mr. J.K. Khubnani, Counsel for the
Petitioner.

Ms. T.H. Udeshi, A.P.P. for the Respondent.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 23.4.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. Petitioner has been convicted for the offence punishable under Sections 328, 506 and 376 (2)(j)(n) of Indian Penal Code read with Section 5(j)(ii) and (l) and Section 6 of the

Protection of Children from Sexual Offences Act. The petitioner is in jail from the year 2019. The petitioner's brother died on 6.3.2023 and for attending religious ceremony scheduled on 25.4.2024 he has applied for emergency parole. The authority has granted emergency parole but on condition of police escort with charges.

3. The petitioner's learned Counsel would submit that due to financial constraints petitioner is unable to bear police escort charges. It is submitted that continuously from last five years he is in jail and there is no adverse report that if he is released on parole without escort there is likelihood of committing similar offence. The reason for death of petitioner's brother has not been denied by the State.

4. The petitioner's learned Counsel relied on the decision of this Court in case of Ansar Khan Ibrahim Khan Pathan V/s. The Superintendent, Central Prison, Nagpur in

Criminal Writ Petition No.106/2024 decided on 2.2.2024 to contend that in appropriate cases this Court has used discretion in granting death parole in similar circumstances without escort.

5. We have gone through the impugned order which does not specify or anticipate any untoward incident if petitioner is released without escort.

6. The purpose would be served if directions are given to the petitioner to periodically attend the concerned police station.

7. In view of the above, criminal writ petition needs to be allowed. Hence the following order.

8. Criminal writ petition is allowed and disposed of.

The impugned order dated 20.4.2024 passed by the Superintendent, Central Prison, Nagpur is hereby modified to

read that the petitioner be released on emergency parole leave for seven days without any escort.

9. The petitioner shall attend the concerned police station on every alternate day from the date of release in between 4 p.m. to 6 p.m.

10. The authority shall pass necessary orders by imposing suitable conditions, if any.

11. An authenticated copy of this judgment be supplied to the learned Counsel for the parties.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)