



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

CRIMINAL WRIT PETITION No. 653/2024.

Dinesh Devidas Gayaki,
Convict No.C/297, Aged 42 years,
Occupation – Nil, resident of
Wanadongri, Tahsil Hingna,
and District Nagpur.

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PETITIONER.

VERSUS

1.State of Maharashtra,
through Divisional Commissioner,
Nagpur.

2.The Superintendent,
Central Prison,
Nagpur.

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RESPONDENTS.

Ms S.P. Chavhan, Advocate for the Petitioner.
Ms N. Tripathi, A.P.P. for Respondents.

CORAM : VINAY JOSHI AND
ABHAY J. MANTRI, JJ.

DATE : OCTOBER 21, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Rule. Rule made returnable forthwith and by consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. The petitioner has applied for parole leave on account of illness of his wife. The authority has rejected petitioner's urge vide the impugned order dated 26.06.2024. The reason given is that in case petitioner is released, there is likelihood of committing similar offence and also there would be danger to the witnesses.

3. The authority has not suspected the reason for which the parole has been sought. The report of the Assistant Commissioner of Police dated 05.03.2024, discloses that in past the petitioner was released on either parole or furlough leave on 7-8 occasions and each time he has surrendered on his own and more particularly, no crime was registered against him. We have also gone through the adverse

police report, which is nothing but, mere speculative inference. The police have not specified instances or substantial reason to justify anticipated apprehension. In that view of the matter, the impugned reason for rejection of parole cannot be sustained in the eyes of law.

4. Criminal Writ Petition is accordingly allowed. The impugned order dated 26.06.2024 passed by the respondent no.1 is hereby quashed and set aside. We hold that the petitioner is entitled for parole leave on account of illness of his wife. The Authority shall pass consequential order within a period of two weeks by imposing necessary conditions as they deem fit.

Rule is made absolute in aforesaid terms.

JUDGE

JUDGE