



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 822 OF 2025

Abhay Shamsunder Kurundkar
Versus
The State of Maharashtra and others

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Advocate for the petitioner: Ms. Sharda P. Chate
A.P.P. for respondents: Mr. G.A. Kulkarni

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**
DATED : 17th JUNE, 2025

PER COURT :-

1. The present petition has been filed challenging the rejection of order passed by respondent No.2 on 14.06.2025, thereby rejecting the parole leave application filed by the present petitioner.
2. Heard Ms. Chate, learned advocate for the petitioner and learned A.P.P. for the respondents.
3. Learned advocate appearing for the petitioner submits that the petitioner has been convicted for the offences punishable under Sections 302, 364, 201 of I.P.C. by the learned Additional Sessions Judge, Panvel, district Raigad, on 21.4.2025 and he has been sentenced with imprisonment for life. The marriage of son of the petitioner is scheduled to take place on 20.06.2025 at Jadhavwadi,

Kolhapur and for that purpose, the parole leave was prayed for. However, it has been rejected due to alleged adverse police report. In fact, at any earlier point of time, the petitioner has not availed any type of leave. He is under trial prisoner since 07.12.2017. At present, he is 61 years old. He has submitted papers of surety and he is ready to abide by the terms. The order that has been passed by respondent No.2 is unjust and illegal. He ought to have considered that leave has been sought on the occasion of marriage of petitioner's son. The said application ought to have been considered on humanitarian ground.

4. *Per contra*, learned A.P.P. relies on the affidavit filed by Mr. Dattatraya Ganpat Gawade, the Superintendent, Chhatrapati Sambhajinagar Central Prison and submits that the petitioner was not released either on parole or furlough since the date of conviction. After the application was received, it was processed and the police enquiry was ordered through S.D.P.O. City Division, district Kolhapur. A police report was submitted, however, under the orders of the Deputy Inspector General of Prison, Central Prison, fresh police report was called. Now the police report is negative that if the petitioner is released on leave, the possibility of disturbing the peace cannot be ruled out.

5. The first and foremost fact, that is required to be considered, is that respondent No.2 has not taken into consideration the purpose for which the facilities of parole or furlough leave are made available. Certainly, the marriage of son or daughter of the inmate is one of the good ground, on which leave has to be granted. The other papers have been produced which show that the surety is a friend of the petitioner and the surety has taken responsibility of the petitioner. Even it can be seen that statements have been recorded of the neighbours, son of the petitioner and an affidavit has also been tendered by the surety regarding responsibility that he is taking. A communication from the S.D.P.O. city Division, Kolhapur shows that the informant, who had lodged the F.I.R. against the petitioner, was called. It appears that he has strangely behaved in the office of the S.D.P.O. Unnecessary raising objection is not contemplated. The station diary entry shows that the informant appears to be resident of Hatkanagale, district Kolhapur. Therefore, by imposing some conditions, respondent No.2 could have allowed the application. When it appears that since 07.12.2017 till the date of his conviction, he was under trial prisoner and it is not reported that he has misbehaved in any manner, then the alleged behaviour of the original informant should not have been taken as a ground to send negative report by the S.D.P.O. Division Kolhapur. Now there is no time left and therefore, we need not ask respondent No.2 to pass fresh order.

6. With the above observations, we partly allow the writ petition.

7. The order passed by the respondent No.2, dated 14.06.2025 is quashed and set aside. The application filed by the petitioner for parole leave is granted for a period of two weeks which should start from the date of submission of the surety papers.

8. The petitioner to submit the bond of Rs.10,000/- and a surety of Rs.10,000/- to the prison authorities, by tomorrow. Thereupon, by observing the other procedure, the petitioner be released.

9. The petitioner shall not go beyond Rajendranagar, Kolhapur and Jadhavwadi area, Kolhapur i.e. the venue where the marriage of the son of petitioner is scheduled. He shall not try to contact any witness or witnesses in his case, by any means.

10. We clarify that upon fulfillment of the terms and the procedure only, the petitioner should be allowed to go on leave.

11. Parties to act on authenticated copy of this order.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)