



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

This order is corrected in view of Speaking to Minutes order dated 08.09.2025.)

1 CRIMINAL WRIT PETITION NO.891 OF 2025

Kiran Sopanrao Dake (C-9788),
Age 41 yrs., Occ. Nil,
R/o Rahul Colony, Taroda (Bk),
Tq. & Dist. Nanded.
At present r/o Central Prison,
Chhatrapati Sambhajnagar.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
- 2 The Divisional Commissioner,
Chhatrapati Sambhajnagar.
- 3 The Deputy Inspector General
of Prisons, Central Region,
Chhatrapati Sambhajnagar.
- 4 The Superintendent,
Central Prison,
Chhatrapati Sambhajnagar.

... Respondents

...

Mrs. Bharati B. Gunjal, Advocate for petitioner
Mrs. Priya R. Bharaswadkar, APP for respondent Nos.1 to 4

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 19th AUGUST, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 The petitioner by invoking the constitutional powers of this Court challenges the order dated 31.07.2025 passed by respondent No.3 Deputy Inspector General of Prisons, Central Region, Chhatrapati Sambhajanagar, thereby rejecting his application for releasing him on parole leave.

2 Heard learned Advocate Mrs. Bharati B. Gunjal for petitioner and learned APP Mrs. Priya R. Bharaswadkar for respondent Nos.1 to 4.

3 Facts disclose that the petitioner has been convicted by learned Additional Sessions Judge, Parbhani on 07.02.2023 in Sessions Case No.138/2019 for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and has been sentenced to suffer imprisonment for life. Due to serious illness of his wife, petitioner had filed an application for parole leave through respondent No.4 - Superintendent, Central Prison, Chhatrapati Sambhajanagar before respondent No.2 - Divisional Commissioner, Chhatrapati Sambhajanagar on 14.08.2024. After receiving the application respondent No.2 called report of Bhagyanagar Police Station, Nanded on 09.10.2024, but on 27.05.2025 Police Inspector, Bhagyanagar Police Station, Nanded has issued a letter to Civil Surgeon, Nanded seeking

attestation of medical certificate after verification and on the next day issued a letter to wife of petitioner to remain present in Civil Hospital, Nanded along with medical certificate. Despite issuing letter wife of petitioner was not able to remain present before Civil Surgeon and therefore, application of petitioner was pending since last nine months. It is submitted that petitioner's wife is suffering from Uterine Fibroid along with Pelvic Inflammatory disease and as per the opinion of Doctor she needs to be operated with emergency treatment. Without considering the emergency situation petitioner's application was kept pending without giving any reason. The Medical Officer is available in every prison, therefore, without taking much time it could have been decided, but with an intention to prolong the procedure the application was kept pending. After issuing notice to respondents on 10.07.2025, respondent No.3 has rejected the application of petitioner by its order dated 31.07.2025, that is, after lapse of about a year.

4 Police inquiry report is negative, which states that the health of wife of petitioner is now well and only on that basis respondent No.3 – Deputy Inspector General of Prison, Central Region, Chhatrapati Sambhajnagar has rejected the application of petitioner. This cannot be the ground for rejection. Petitioner may take his wife to Doctor and then plan for the operation. It appears that prior to this petitioner has not applied for

leave, therefore, his application ought to have been considered. Unnecessarily the application of petitioner has been kept pending for considerable period and, therefore, we impose cost on respondents. Hence, following order.

ORDER

- i) Criminal Writ Petition stands allowed.
- ii) Order dated 31.07.2025 passed by respondent No.3 is hereby quashed and set aside.
- iii) Respondent No.3 is directed to decide the said application afresh on or before 15.09.2025.
- iv) Petitioner be released on parole leave for admissible days, which respondent No.3 to clarify, upon executing personal bond of Rs.25,000/- (Twenty Five Thousand only) and cash security of Rs.5,000/- (Rupees Five Thousand only).
- vi) Petitioner should give attendance to Bhagyanagar Police Station, Nanded, once in a week, during leave period.
- vii) Police Inspector, Police Station, Bhagyanagar may also check the

location of petitioner periodically, without causing harassment to family members.

viii) Petitioner should give mobile number of his near relative to Superintendent of Central Prison, Chhatrapati Sambhajanagar as well as to Police Inspector, Police Station, Bhagyanagar.

ix) Respondents to deposit cost of Rs.10,000/- (Rupees Ten Thousand only) to High Court Legal Services Sub Committee, Aurangabad, on or before 15.09.2025.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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