



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 CRIMINAL WRIT PETITION NO. 1036 OF 2025

Akshay Dipak Chavariya C/671

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Ms. Sharada P. Chate

APP for Respondents: Mr. A.D. Wange

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 4th AUGUST, 2025

PER COURT :-

1. The present writ petition has been filed for quashment of the order dated 22.07.2025, passed by respondent No.2 for grant of emergency parole leave for 30 days to the petitioner for performing of his own marriage rituals.

2. Heard learned advocate for the petitioner and learned A.P.P. for the respondents.

3. Learned advocate for the petitioner submits that the marriage of the petitioner, who is presently in open prison, is scheduled on 06.08.2025 at Nashik. However, his application came to be rejected on the ground that he has already availed regular parole leave and there is no provision for grant of emergency parole

leave for performing the marriage. She submits that the rejection is amounting to injustice to the petitioner.

4. Per contra, learned A.P.P. for the respondents strongly opposes the petition and placed on record a communication of today's date by the in-charge Superintendent, Visapur open prison, where the petitioner has been lodged, that when already the petitioner has availed his regular parole leave and there is no provision under the Parole leave for grant of emergency parole for performing the marriage, the petition deserves to be rejected. In fact, the petitioner was released on regular parole for 40 days between 19.05.2025 to 27.06.2025.

5. Upon enquiry, it has been stated in the said letter that the petitioner has returned to the jail in time.

6. The Rules cannot be kept stiff or rigid when the aims of Parole leave is to keep the bond of the convict with his family. Now copy of the invitation card has been provided, which shows that the petitioner's marriage is scheduled on 06.08.2025. Here we can take this case as an exception and direct respondent No.2 to grant leave to the petitioner from tomorrow i.e. 05.08.2025, in case the petitioner completes all formalities before 04.00 p.m. Respondent No.2 may

take appropriate bond and cash security, to be tendered before respondent No.3 and the amount of the same should be reasonable with added condition that the petitioner should attend the nearest police station, where he would be staying for which clarification should be taken in writing from the petitioner before he is released. The petitioner should also give mobile number and complete address of his nearest relative. Leave to be granted, would be till 12.08.2025 and the petitioner should surrender himself before 05.00 p.m. on 12.08.2025.

7. The writ petition is accordingly partly allowed.

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

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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