



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1170 OF 2025

Anwar S/o Dastgir Sayyed C/ No.9503,
Age About:40 years, R/o-Serving Sentence
at Harsool Central Prison,
District-Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary, Home Department,
Mantralaya, Mumbai-400032,
- 2) The Deputy Inspector General of Prisons,
Western Region, Aurangabad Division,
Aurangabad,
- 3) The Addl. Director General of Police &
Inspector General of Prisons &
Correctional Services, Pune,
- 4) The Superintendent of Harsool
Central Prison, District-Aurangabad.

...RESPONDENTS

...
Ms. Sharda P. Chate Advocate for Petitioner.
Mr. P.S. Patil, Additional P.P. for Respondents.
...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 4th SEPTEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Writ Petition has been filed for challenging the orders dated 28th July 2025 and 9th August 2025, passed by respondent No.2, to the extent of payment of expenses for the police escort while releasing the petitioner on death parole.
2. Heard learned Advocate Ms. Sharda Chate for Petitioner and learned Additional P.P. Mr. P.S. Patil, for Respondents.
3. Learned Advocate appearing for the petitioner submits that the petitioner's mother expired on 19th July 2025 and therefore, he had filed emergency parole leave application before respondent No.2, on 21st July 2025. Leave was granted to him for four days, however, the condition was imposed that he should bear the expenses of the police escort. The petitioner is unable to raise such amount as he is economically poor. His elder brother is also serving imprisonment for life in the same crime and he is also lodged in the same prison. They have incurred expenses for the medical treatment of the mother for about two years, who died due to Carcinoma Cervix IV Stage (Cancer). The petitioner had filed the request application once again on 30th July 2025, for exempting him from payment of police escort, but

it came to be rejected on 9th August 2025. The approximate expenditure for four days police escort (under police protection) is stated to be Rs.2,32,248/-. In fact the elder brother of the present petitioner was released on emergency parole without police escort. Now, at least the petitioner would attend 40th Day Ceremony as per the Muslim rites, called as "*Chalisawa Chelam*".

4. Learned APP places reliance on the affidavit of Mr. Sachin Ramesh Salve, Superintendent, Chhatrapati Sambhajanagar Central Prison, wherein he has stated that earlier the petitioner was released on furlough leave on 28th September 2023, for a period of 21 days, but he failed to surrender on due date. He was absconding and was brought to the prison by the police authorities belatedly by 600 days and therefore, while granting the emergency parole, the condition was imposed regarding the police escort, which is permissible under the Prison Rules, which came into effect from 2nd December 2024.

5. It will not be out of place to mention here that we were not in favour of the fact that a convict should be put to so much of financial burden by asking him to deposit exorbitant amount towards police protection/police escort. An impression was given initially by the learned Advocate for the petitioner that 40th Day

Ceremony, which was told as "*Chalisawa Chelam*", is yet to be performed. Such kind of statement was also given by the petitioner on 4th September 2025, i.e. of today's date, but taking into consideration the date of death of his mother i.e. 19th July 2025, we were doubtful as to whether such ceremony is still remaining. Therefore, we had asked the learned APP to direct the police officer from Vivekanand Chowk Police Station, Latur to go to the house of the petitioner and get statement from responsible person, as to whether that ceremony is still remaining. Statement of Akhil Dastgir Sayyed i.e. another brother of the petitioner has been taken, wherein he has stated that the said ceremony was already over on 24th August 2025. But still then he maintains that as per the customs, the ceremony of 51 to 58 days i.e. of two months, would be held on 51st day i.e. on 7th September 2025.

6. We are required to take into account the fact that the present petitioner had not reported to the prison within time on the earlier occasion. He had remained absent for about 600 days and was required to be brought to the prison by arresting him. Certainly, we may observe that in cases of emergency parole the sanctioning authority should basically see as to how the presence of such released convict can be sought, as many other

conditions as are possible and desirable can be imposed but there should not be an exorbitant condition like that of escort. However, now the fact remains is that already the major ceremonies are over and we cannot say that the presence of the petitioner is necessary for further ceremonies. Basically, the provision of death parole or emergency parole is for a very short period and such provision has been made with an intention that in the emergencies stated therein the convict should be with his family members. Now, near about two months have elapsed. Rather it is the rule which have now come up that even the life time of such order of parole is of two months only. If at all the regular parole is available and the petitioner is entitled, he may apply for the same. But now, the parole leave cannot be granted to the petitioner under the head 'emergency parole'.

7. The Writ Petition stands rejected.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE