



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

CRIMINAL WRIT PETITION NO.780/2025

Ganesh Shivbaran Shahu .Vs. Additional Director General of Police and Inspector
General of Prison & Correctional Services, Pune and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. R. Singh, Advocate for petitioner.

Mrs. N. R. Tripathi, A.P.P. for respondent Nos. 1 and 3.

CORAM : ANIL L. PANSARE AND Y. G. KHOBRADE, JJ.

DATE : OCTOBER 8, 2025

On 24.09.2025, following order was passed.

“1. Petitioner has challenged the order dated 18.09.2025 passed by respondent No.2 thereby rejecting the application filed by the petitioner for parole leave.

2. Having heard the learned Counsel for petitioner and having gone through the record, it appears that the petitioner has availed parole leave for 15 days in January, 2025.

3. Learned APP has invited our attention to Rule 17 of the Maharashtra Prisons (Furlough and Parole) Rules, 2024, which provides that parole, except emergency parole, can be availed only once in a calendar year.

4. The emergency parole is defined under Rule 13 of the Rules of 2024, to mean parole granted to attend the final rituals on the death of spouse or blood relatives of petitioner.

5. In the present case, the petitioner is seeking parole leave on the ground that his wife is likely to deliver a child on 30.09.2025.

6. Such a case will not fall under emergency parole as defined under Rule 13 of the Rule of 2024, and therefore, the restriction as mentioned under Rule 17 will apply, which provides that the parole can be availed only once in a calendar year.

7. Learned Counsel for petitioner however submits that the expected date of delivery is 30.09.2025 and, therefore, the respondents may consider the request on humanitarian ground as a one time measure.

8. We, accordingly, issue notice to the respondents, returnable on 01.10.2025.”

2. As could be seen, the petitioner is seeking parole leave on the ground that his wife was likely to deliver child on 30.09.2025. Counsel for petitioner submits that baby boy has been delivered two days back. The petitioner's wife is in hospital. She further submits that the petitioner was, on earlier occasion, released on parole for at least three times. He reported back to the prison well within time. There is no complaint against the petitioner of his behaviour in jail. Thus, his record is clean.

3. In the circumstance, though Rule 17 of the Maharashtra Prisons (Furlough and Parole) Rules, 2024 provides for parole only once in a year and though the petitioner was lastly released on parole in January, 2025, considering the peculiar circumstances, we are of the view that, as one time measure and also as a special case, the petitioner could be granted relief of parole as an emergency.

4. Accordingly and after verifying the correctness of the statement made by the petitioner's counsel as regards delivery of child, respondents shall release the petitioner on parole for a period of 20 days.

5. The petitioner shall keep in mind that the relief has been granted only on the basis of his conduct of reporting to prison within time and since he has shown reformatory features after having been convicted for the serious offence under Section 302 of the Indian Penal Code, 1860.

6. With the above observations and with a direction to the petitioner to surrender within time, we grant relief as noted above. The petition is accordingly allowed.

7. All the concerned shall act on the authenticated/uploaded copy of this order.

(JUDGE)

(JUDGE)