HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Criminal Writ Petition No. 2663/2024

Munia S/o Bhima Bambudiya, Aged About 55 Years, Jhed, P.s. Mandawa, Distt. Udaipur. (At Present Lodged In (Open Air Camp) Central Jail Jodhpur)

----Petitioner

Versus

1. State Of Rajasthan, Home Department, Jaipur.
2. The District Collector, Jodhpur
3. The Superintendent Central Jail, Jodhpur.

----Respondents

For Petitioner(s)	:	Ms. Sumeha Kalla
For Respondent(s)	:	Mr. Neeraj Kumar Gurjar, AAG with Mr. Ashutosh Sharma, AAAG

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI

Order

06/02/2025

1. This petition has been filed by the petitioner aggrieved of the order dated 17.11.2023 (Annexure-1), whereby, the prayer made for releasing him on first 20 days' parole has been rejected.

2. Learned counsel for the petitioner has put forward the following points for granting first parole to the petitioner :-

(i) The petitioner has completed the total sentence of 8 years, 9 months and 13 days.

(ii) He lodged in Open Air Camp at Jodhpur.

(iii) The law and order issue that if he goes to his village, where other parties also reside, there will be chance of breach of peace and danger to the life of the petitioner, are mechanical grounds because it is the duty of the State to protect the citizens.

(iv) There are no such antecedents or reasons which could warrant non-denial of the parole.

3. The prayer is opposed by the learned AAG; however, he is unable to refute the factual matrix stated by the learned counsel for the petitioner.

4. On conjoint considerations of the submissions made by learned counsel for the parties, we are of the opinion that the reasons expressed by the District Parole Committee, cannot be made basis for denial of the parole to the petitioner for which he is otherwise entitled.

6. In view of the above, the petition is allowed. The minutes/order dated 17.11.2023 (Annex.1) qua the petitioner is quashed and set aside and the Superintendent, Central Jail, Jodhpur is directed to release the petitioner - Munia S/o Bhima Bambudiya, on first 20 days' parole upon his furnishing personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each, out of which one is of his family member, to the satisfaction of the Superintendent, Central Jail, Jodhpur on the usual terms and conditions.

7. The Superintendent, Central Jail, Jodhpur shall be at liberty to impose other adequate and reasonable conditions to ensure return of the convict to the custody after availing the parole. The term of parole shall be computed from the date of his actual release.

(CHANDRA PRAKASH SHRIMALI),J **(DR.PUSHPENDRA SINGH BHATI),J**

26-minki/-