



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1784 OF 2025

TULISHRAM ALIAS BAPPA ASHOK VIDYAGAR (C-5405)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Nasimoddin R. Shaikh, Advocate for the petitioner.
Mr. P.K. Lakhotiya, A.P.P. for respondent Nos.1 to 5-State.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

**Reserved on : 23.02.2026
Pronounced on : 09.04.2026**

Order (Per Sandipkumar C. More, J.) :

1. Heard.
2. By way of this writ petition, the petitioner has sought following relief :

“The impugned order dated 21.06.2022 passed by the Respondent no.4 forfeiting the security amount of Rs. 15,000/- may kindly be quashed and set aside and order dated 20.03.2023 passed by respondent No.2, reducing 63 days cut in remission may kindly quashed and set aside”

3. Admittedly, the petitioner was released on 11.05.2020 on parole leave during Covid-19 Pandemic period subject to deposit of Rs. 15,000/- as security payment. However, after

his release on parole leave, the duration of said parole leave was extended from time to time. Ultimately on 02.06.2022 he came to know through co-accused that his parole leave had expired and notice to surrender was also issued. The petitioner then made inquiry through Neknoor Police Station, Beed about the said communication, but he was told that no such communication was received. Further, in view of order of Hon'ble Apex Court No. S.M. W(C) No.1/20 IN RE:CONTAGION OF COVID 19 VIRUS IN PRISONS, additional period of 15 days was granted to the prisoners to surrender themselves. Accordingly, the petitioner voluntarily surrendered himself on 18.06.2022 i.e. within the extended period of 15 days. The petitioner thus claims that despite being surrendered within time granted by the Hon'ble Apex Court, respondent No.4 still issued show-cause notice to him to explain as to why he had surrendered 20 days late. The petitioner had even submitted his explanation and requested for not to pass any adverse order as he had surrendered within time limit granted by the Hon'ble Apex Court. Still respondent No.2 passed the impugned order and held that the petitioner surrendered 21 days late, and therefore, on approval of concerned District Judge, there was 63 days cut in his remission as per order dated 20.03.2023. Further, respondent No.5 also ratified the

order of cut in remission.

4. Learned A.P.P. strongly opposed the petition by referring affidavit-in-reply filed by respondent No.3 and supported the impugned order as it was passed in view of Government of Maharashtra Circular dated 02.08.2011. However, he fairly admitted the fact that the Hon'ble Apex Court, vide order dated 03.06.2022, had granted 15 days period for the prisoners to surrender themselves who were of parole leave during Covid-19 Pandemic period.

5. It is significant to note that as per the Government of Maharashtra Resolution dated 04.05.2022 the prisoners were asked to surrender in the concerned prison within 15 days from his last parole extension. Thus, the petitioner's Covid-19 Pandemic parole leave extension had ended on 13.05.2022 and he was supposed to surrender before jail authority on 28.05.2022 in view of the aforesaid Government Resolution. However, it is not in dispute that the Hon'ble Apex Court, vide order dated 03.06.2022, had granted additional 15 days to the prisoners for surrendering themselves to the concerned prisons. Thus, it appears that the petitioner had in fact surrendered himself voluntarily in prison within that period

i.e. on 18.06.2022. As such, the order dated 21.06.2022 forfeiting security amount of Rs. 15,000/- paid by the petitioner as well as the order dated 20.03.2023 passed by respondent No.2 of 63 days cut in remission of the petitioner, are apparently illegal.

6. It is important to note that this Court at Principal Seat, Bombay, in ***Criminal Writ Petition No.192 of 2024 (Rahul Ramchandra Bhabad vs State of Maharashtra)***, in view of the order of Hon'ble Apex Court dated 03.06.2022, had given benefit of 15 days to the petitioner therein and set aside his remission cut order. Further, the Co-ordinate Bench of this Court, vide order dated 17.06.2022 in ***Criminal Writ Petition No. 3321 of 2017 (Ravi Dhiren @ Jadhav @ Rubi Ghose vs State of Maharashtra)***, had also directed to refund the amount of security to the petitioner therein. Therefore, considering these orders passed by this Court earlier, we deem it appropriate to follow the same course and accordingly following order is passed.

ORDER

- (i) Criminal Writ Petition is hereby allowed.
- (ii) The order dated 21.06.2022 passed by respondent No.4 forfeiting the security amount of

Rs. 15,000/- is hereby quashed and set aside and respondent No.4 i.e. the Superintendent of Nashik Road Central Prison, Nashik is directed to refund the amount of Rs. 15,000/- to the petitioner within one month from the date of this order.

(iii) Further, the order dated 20.03.2023 passed by respondent No.2, whereby there is reduction of 63 days in remission of the petitioner, is also quashed and set aside and necessary steps for erasing the said order shall be taken by the respondent Authority within a period one month from the date of this order.

(iii) We quantify the fees of the learned counsel appointed for the petitioner to the tune of Rs.3,000/-, to be paid by the High Court Legal Services Authority, Aurangabad.

(iv) Petition stands disposed of accordingly.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE