



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

902 CRIMINAL WRIT PETITION NO.202 OF 2026

**VIJAY S/O KISANRAO MATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....
Mr. Rupesh A. Jaiswal, Advocate for the Petitioner
Mr. V. M. Jaware, APP for Respondent Nos.1 to 3
....

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

RESERVED ON : 05/03/2026

PRONOUNCED ON : 07/03/2026

ORDER : (PER : SANDIPKUMAR C. MORE, J.) :

1. **Rule.** Rule made returnable forthwith. Heard finally at the admission stage with the consent of the learned counsel for the petitioner as well as the learned APP for the respondent-State.

2. By way of this writ petition, the petitioner seeks to challenge the orders dated 24/12/2025 and 23/01/2026 passed by Respondent Nos.2 and 3, respectively, whereby his request for grant of parole leave has been refused.

3. The learned counsel for the petitioner submits that the petitioner has been convicted to suffer life imprisonment for the offence punishable under Section 302 of the Indian Penal Code and

is presently undergoing the said sentence in Central Prison, Chhatrapati Sambhajinagar. The petitioner had applied for parole leave on the ground that his wife, Vandana Mate, requires Coronary Angiography and Angioplasty, under an application dated 09/09/2025. However, the said application was rejected by the impugned order dated 24/12/2025 on account of a negative police report. Thereafter, the appeal preferred by the petitioner against the said order was also dismissed by order dated 23/01/2026 on the ground of suspicion and alleged lack of attendance during his previous release. The learned counsel for the petitioner submits that Respondent Nos.2 and 3 have taken a hyper-technical approach while rejecting the request for parole leave. He pointed out that on earlier occasions also the petitioner was released on parole leave and he had surrendered himself within time. He further submitted that there is no suspicion regarding the registration number in respect of the admission of the petitioner's wife at Government Medical College and Hospital, Nagpur. Moreover, the petitioner had substantially complied with the conditions imposed upon him during his earlier release by attending the concerned police station on 17 days out of 26 days.

4. On the contrary, the learned APP strongly opposed the petition by placing reliance on the rules governing parole leave and by filing an affidavit-in-reply. According to him, Respondent Nos.2 and 3 have rightly appreciated the default committed by the petitioner in complying with the conditions imposed during his earlier release. He submitted that, as per the applicable rules, a convict is required to strictly comply with the conditions imposed

upon him while granting parole leave. Therefore, he prayed for dismissal of the petition.

5. It is significant to note that, on perusal of both the impugned orders, it is evident that parole leave has been denied to the petitioner on two grounds, namely that the medical certificates of his wife, Vandana Mate, were found to be suspicious and that when the petitioner was released on parole on 20/07/2025, he did not comply with the condition of marking daily attendance at the concerned police station.

6. So far as the issue of the medical certificates of the petitioner's wife being suspicious is concerned, it is an admitted position that two different registration numbers of the hospital are mentioned, i.e., 20250041734 and 20250307262. However, on perusal of the second certificate, it is evident that Registration No.20250307262 appears to be a general registration number, while the departmental registration number 20250041734, as mentioned in the earlier certificate, is also reflected therein. Therefore, no apparent suspicious circumstance is made out in respect of the said medical certificates.

7. Admittedly, the learned counsel for the petitioner fairly submitted that during the earlier release the petitioner did not strictly comply with the condition of marking daily attendance at the concerned police station. However, he pointed out that out of 26 days of parole leave, the petitioner had attended the concerned

police station on 17 days and thus, had substantially complied with the said condition.

8. Admittedly, under the rules, a convict is required to scrupulously comply with the condition of marking attendance at the concerned police station. However, it is equally important to note that the wife of the petitioner has to undergo angiography and angioplasty and therefore, by taking a humanitarian view, the breach committed by the petitioner during his earlier release can be condoned. Even otherwise, it is evident from the record that, except for the aforesaid breach, the petitioner has not committed any violation of the conditions imposed upon him during his earlier releases on parole leave and on those occasions, he had surrendered within the stipulated time. Further, the impugned order dated 23/01/2026 itself shows that the petitioner has already undergone imprisonment of 10 years, 9 months and 27 days. Therefore, considering the peculiar facts and circumstances of the present case, some relief on humanitarian ground can be granted to the petitioner. We are conscious of the fact that, under the rules, no breach of conditions imposed while granting parole leave is ordinarily permissible. Thus only in the peculiar circumstances of the present case, we deem it appropriate to grant relief to the petitioner as stated above. It is made clear that this order shall not be treated as a binding precedent in other matters. In the result, we pass the following order:

ORDER

- (I) The Writ Petition is hereby allowed. The orders dated 24/12/2025 and 23/01/2026

passed by Respondent Nos. 2 and 3, respectively, are hereby quashed and set aside.

(II) The respondents are directed to grant parole leave to the petitioner on account of the illness of his wife, Vandana Mate, by imposing such necessary conditions as may be permissible under the rules.

(III) Rule is made absolute in the above terms.

(ABASAHEB D. SHINDE J.) (SANDIPKUMAR C. MORE , J.)