

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.6806 OF 2025**

Abu Salem Abdul Qayoom Ansari

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Ms. Farhana Shah a/w Adv. Amna Khan, Adv. Darshana Gurjar, Adv. Yatish Desle & Adv. Sandeep Gupta for the Petitioner.

Smt. Mankuwar M. Deshmukh Acting PP a/w Mr. Ashish I. Satpute, APP for the Respondent-State.

Mr. Amit Munde, Special PP a/w Adv. Jai Vohra, for the C.B.I.

Smt. Suvarna Chorge, Jailor, Grade-II, Nashik-Road Central Jail, present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 5th FEBRUARY, 2026.

PC.:-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner has impugned Orders dated 20th November 2025 passed by the Competent Authority i.e. the Respondent No.3 and 5th December 2025 passed by the Appellate Authority i.e. the Respondent No.2, constituted under the Bombay Prisons (Furlough & Parole) Rules, 1959.

2) Heard Smt. Shah, learned Advocate for the Petitioner, Mr. Satpute, learned APP for the Respondents and Mr. Munde, learned Special PP for CBI. Perused entire record produced before us.

3) The Petitioner is seeking emergency parole leave to attend the rituals, prayers and 40th day of his deceased elder brother Abu Hakim Ansari, who passed away on 14th November, 2025 and for performing his obsequies. Petitioner intends to go to his native place at Mohalla Pathantola, Kasba Saraimir, Dist. Azamgarh, State-Uttar Pradesh. The Petitioner therefore filed an Application for parole leave with the Competent Authority constituted under the Bombay Prisons (Furlough & Parole) Rules, 1959. By its impugned Order dated 20th November 2025, the Competent Authority has rejected his Application for parole leave. The said Application has been rejected predominantly on two grounds namely, that there is nobody to stand surety for the Petitioner if released on parole leave and there is adverse Police Report submitted by the concerned local police.

The Petitioner therefore preferred Appeal before the Appellate Authority against the said Order dated 20th November 2025. The Appellate Authority after considering the case of the Petitioner, has passed the impugned Order dated 5th December 2025. By the said Order, the Appellate Authority has granted two days emergency parole leave to the Petitioner, however has imposed a condition that the Petitioner be taken to his native place in high security police escort and the Petitioner has to bear the escort charges. As noted earlier, feeling aggrieved by both the said two Orders, present Petition is filed.

4) Smt. Shah, learned Counsel appearing for the Petitioner

submitted that, the Petitioner was earlier released on parole leave when his mother and foster mother had expired. That, at that relevant time, no such condition was imposed upon the Petitioner. That, after attending the last rites of his said close relatives, the Petitioner returned to jail Authority in time. She submitted that, at that relevant time, the local police station did not give any adverse report. It is for the first time such a report is given by the said police station. She submitted that, the Petitioner is an accused in 1993 Bomb Blast Case (BBC). That, the co-accused of Petitioner namely Essa @ Anjum Abdul Razzaq Memon was granted parole leave on the ground of attending the last rites of his brother by Judgment dated 28th January 2021 by the co-ordinate Bench. He submitted that, while granting parole leave to Essa @ Anjum Abdul Rassaq Memon, no condition for escort was levied upon the said co-accused. She submitted that, the Petitioner is similarly situated and therefore, he be granted parole leave. She drew our attention to the Imprisonment Certificate dated 1st May 2025 issued by the Superintendent, Nashik Road Central Prison indicating that, as on 1st May 2025, the Petitioner had undergone total imprisonment of 22 years, 9 months and 2 days. She submitted that, as of today the Petitioner has undergone approximately 23 years and 9 months in actual incarceration out of 25 years of sentence imposed upon him. She therefore requested this court to set-aside the impugned Orders and grant parole leave to the Petitioner without any condition.

5) Per contra, Mr. Satpute learned APP appearing for the State opposed the Petition. He submitted that, Mr. Suhas Warke, Additional Director General of Police and Inspector General of Prisons and Correctional Services, Maharashtra State, Pune has filed a detailed Affidavit dated 18th January, 2026, opposing the Petition. He submitted that, the reasons for opposing the Petition have been elaborately stated in the said Affidavit. He submitted that, though the Competent Authority has rejected the Application for parole leave of the Petitioner, the Appellate Authority after taking into consideration the case of the Petitioner sympathetically, has granted two days parole leave to him by its Order dated 5th December 2025. He submitted that, taking into consideration the cases in which the Petitioner was involved and his past record, the Appellate Authority has imposed the condition on attending his native place in police escort for which the Petitioner will have to pay the necessary escort charges. Learned APP submitted that, Saraimir Police Station, District Azamgarh, State of Uttar Pradesh though has given adverse police report, the Appellate Authority has considered the request of the Petitioner for parole leave sympathetically. Learned APP supported the Order passed by the Appellate Authority and submitted that, there are no merits in the Petition and it may be dismissed.

6) Mr. Munde, learned Special PP appearing for CBI submitted that, the CBI fully supports the State of Maharashtra and adopts the

pleadings in the Affidavit of the Additional Director General of Police dated 18th January, 2026. He also placed reliance on the police Report dated 19th November, 2025 given by Saraimir Police Station, District Azamgarh, State of Uttar Pradesh. He submitted that, the facts mentioned in the Affidavit of Additional Director General of Police dated 18th January, 2026 are true and correct. That, the Petitioner is an accused in serious cases and in view of the Extradition Treaty, the trial court has imposed the sentence of 25 years upon him. He submitted that, there is a distinction between Essa Memon's case and Petitioner's case. In Essa's case, there was no adverse police report given by the concerned Police Station. That, Essa Memon was not extradited from other country. However, in the present case the Petitioner has been extradited from Portugal after executing an Extradition Treaty. The learned Special PP on instructions submitted that, as per the Appellate Authority's Order, the Petitioner may be released for the said limited period in police escort only. The learned Special PP fairly submitted that, the Appellate Authority's Order can be given effect along with the conditions imposed thereof upon the Petitioner.

7) Perusal of Affidavit filed by Mr. Suhas Warke, Additional Director General of Police indicates that, the Petitioner has many criminal antecedents and was an accused in 1993 Bomb Blast Case. It is stated that, the Petitioner has committed several offences in India. That, in order to evade the arrest, the Petitioner had left the country and was absconding. In

furtherance of Order dated 15th September 1993 passed by the learned Special Court, Greater Mumbai the Petitioner was declared as a Proclaimed Offender. That, on 18th September, 2022 the Petitioner was arrested at Lisbon in Portugal. As per the request and assurance given by the Government of India, Portugal Government handed over (extradited) Petitioner to India on the assurance to comply the conditions of Portugal Government as per the letter dated 25th May, 2003 of Government of India. In the said Affidavit, the concerned Authority has given the list of cases in which the Petitioner has been convicted.

Record further indicates that, upon an Application filed by the Petitioner, the Competent Authority called for the police report from the local Police Station where the Petitioner intends to visit. The Saraimir Police Station, District Azamgarh, State of Uttar Pradesh has forwarded its Report dated 19th November 2025 to the jail Authority. It is stated in the said report that, no person is ready and willing to remain as surety if the Petitioner is released on parole leave. It is also stated that, if the Petitioner is released on parole and enters within the jurisdiction of Saraimir Police Station, there is probability of breach of public peace and therefore the concerned Police Station has requested not to release the Petitioner on parole leave.

8) Perusal of Order passed by the Appellate Authority dated 5th December 2025 clearly indicates that, the Appellate Authority has taken

into consideration all the necessary and relevant attending circumstances and though the Competent Authority has rejected the Application of Petitioner for parole leave, has acceded to his request and permitted him to be released on parole leave, however with a condition that, the Petitioner shall be released in high security police escort and the Petitioner has to bear the escort charges. Though the learned Advocate for the Petitioner tried to canvas before us that, the Petitioner being in jail for last more than 20 years, is unable to bear the said escort charges, we see no reason to have a different opinion than expressed by the Appellate Authority in that behalf.

9) After perusal of the record, we are of the considered view that, the Appellate Authority has not committed any error either on facts or in law, while passing the impugned Order dated 5th December, 2025. There are no merits in the Petition and is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
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by SANJIV
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