



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION No.166/2026

Pradeep S/o Rambhau Gaikwad, : **PETITIONER**
C-5938, Aged about – Major,
Presently detained in Amravati Central
Prison, Amravati

1. State of Maharashtra, Through : **RESPONDENTS**
Inspector General of Prisons and
Correctional Services, Yerwada, Pune,
Maharashtra
2. State of Maharashtra, through Deputy
Inspection General of Prisons, East
Division, Wardha Road, Nagpur

Mr. I.V. Tambi, Advocate for the petitioner

Mr. A.B. Badar, APP for Respondents / State

CORAM: URMILA JOSHI PHALKE AND
NIVEDITA P. MEHTA, JJ.

DATED : 24.04.2026

ORAL JUDGMENT (PER : URMILA JOSHI PHALKE, J.)

1. Rule. Rule made returnable forthwith. Heard finally with
the consent of learned counsel for the petitioner and learned APP
for the respondent – State.

2. The learned counsel for the petitioner submitted that the petitioner was initially convicted for 14 years rigorous imprisonment with fine of Rs. 80,000/- in Special POCSO Case No. 381/2019 on 18.02.2020, by the learned Additional Sessions Judge, Panvel in Crime No. 128/2018, for the offences punishable under Sections 376(2)(i)(n), 506 (II) of the Indian Penal Code and under Sections 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act (POCSO Act). Aggrieved by the said order and judgment, the petitioner preferred an appeal before the principle Bench vide Criminal Appeal No. 448/2020, wherein his sentence was reduced upto 10 years.

3. It is further submitted by him that he was having his house at Panvel. The Government of Maharashtra in the year 2013 had declared to construct an international airport at Panvel for which the Government has started acquiring the land in the said area. The house of the petitioner and his mother was also acquired by the Government assuring that compensation regarding the same would be paid to the petitioner at the time of demolition. In August, 2021, the house of the petitioner and his mother was demolished but no amount of compensation was paid despite several communications were made by the petitioner to the CIDCO. The present petitioner thereafter applied for parole in the year

2021, which was rejected by the Divisional Commissioner, Amravati and order dated 04.02.2022, passed by the Divisional Commissioner, Amravati was challenged before this Hon'ble Court in Criminal Writ Petition No. 539/2023. While disposing of the said Writ Petition, vide order dated 25.10.2023, the petitioner was granted liberty and also direction was given to the Divisional Commissioner, Amravati and respondent authorities to decide fresh parole application within four weeks after making the fresh parole application. It is further submitted that despite the said directions given by this Court, the respondent authorities did not act upon the same, and therefore, the petitioner was constrained to again approach this Court by filing Criminal Application (APPW) No. 15/2024 on 30.01.2024. When the application was filed and the respondents came to know about the same, the Divisional Commissioner has passed the order on the very next day i.e. 31.01.2024. Therefore, the application was withdrawn with liberty to challenge the order passed by the Divisional Commissioner, Amravati. The petitioner has applied for the parole in the year 2023 as per the directions of this Court, which was rejected by the Divisional Commissioner, Amravati on 31.01.2024. The said order was again challenged in Criminal Writ Petition No. 268/2024. But, as there was an alternate remedy available to the present petitioner,

this Court granted liberty to the petitioner to approach to the appellate authority i.e. respondents and further directed the authorities to decide the said parole application within a period of four weeks. Despite directions issued to the respondent authorities, the parole application was not decided within four weeks, which forced the petitioner to again approach this Court by filing Criminal Application (APPW) No. 199/2024, wherein this Court granted liberty to the petitioner to take recourse to such remedy as available in law and same was withdrawn with liberty on 17.12.2024. On 17.12.2024, the respondent No.1 allowed parole application relying of the new Government Resolution dated 02.12.2024 and directed to release the petitioner and thereby he was released for 40 days.

4. It is further contended by the learned counsel for the petitioner that the petitioner has already undergone 9 years 4 months 11 days against his conviction. Now he again applied for the parole to construct house at new place. It is further submitted that subsequent to the filing of this writ petition, his son was also admitted to the Hospital and he was in need of medical treatment. As this was subsequent development and therefore this ground was not raised raised before the respondent No.1. He also placed on record relevant medical certificates in support of his contention and submitted that the medical certificates sufficiently show that his son

is not well and, therefore, on that ground also, he is in need of parole leave. He also invited our attention towards the photographs which substantiates the contentions. The medical certificates filed on record also substantiates the contention that his son is not well and was admitted to MGM Medical College and Hospital, Mumbai. For all above these grounds, he prays for quashing and setting aside the order dated 16.12.2025, passed by the respondent No.1 and directions to release him on parole for 40 days.

5. The said application is strongly opposed by the State on the ground that he was already released on parole and for the same reason again he cannot avail that facility for the same reason. Therefore, the order passed by the respondent No.1 is correct and legal one and no interference is called for.

6. We have verified the grounds raised by the petitioner in the said petition. Even the respondent also do not dispute that the house of the petitioner is already demolished in a process of acquisition. The ground raised by the petitioner that he was not awarded with the compensation, though a different issue, but now the petitioner wants to construct a house at new place. From the record, it is apparent that the petitioner and his mother was residing in the earlier house, which was already demolished. The ground raised by the petitioner that his son is also not well, which also

requires some consideration. Moreover, there is no complaint of misconduct when he was earlier released on parole.

7. Taking into consideration the factual position as well as also the legal position, the learned counsel for the petitioner also placed reliance on the decision of this Court in the case of *Divakar Shyamrao Chauhan Vs. State of Maharashtra and others* reported in *2005(4) Mh.L.J. 179*. Admittedly, Rule 13 provides that -

“Regular Parole – Regular parole may be granted to prisoner to attend serious illness of his spouse or blood relatives, birth of his child, marriage of his children or siblings or the aftermath of natural calamities like floods, fire, earthquake resulting in damage to his house and property.”

8. Considering the earlier history of the petitioner, who have on several occasions required to file applications, which were not considered by the authorities despite the directions given by this Court and he was constrained to run from pillar to post on many occasions, the petition deserves to be allowed.

9. Taking into consideration the factual position as well as also the legal provisions as stated above, we are inclined to grant petitioner a parole for 25 days from the date of his release on the condition that petitioner should furnish personal bond of Rs. 25,000/- with one surety in the like amount and to give undertaking

that the petitioner would surrender to serve remaining sentence on or before due date.

Rule is made absolute in the above terms.

(NIVEDITA P. MEHTA, J.)

(URMILA JOSHI PHALKE, J.)

MP Deshpande