HC-KAR

NC: 2026:KHC:21504
WP No. 10553 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 10553 OF 2026 (GM-POLICE)

BETWEEN:

SMT. MANJAMMA M.G,
S/O. GANGAHANUMAIAH,
AGED ABOUT 35 YEARS,
NO. LINGAPURA VILLAGE,
THEETHA POST, KORATAGERE TALUK,
TUMKUR - 572 129.

...PETITIONER

(BY SRI. KIRAN S.S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARIAT,
DEPARTMENT OF HOME, VIDHANA SOUDHA
BANGALORE - 560 001.

2. THE CHIEF SUPERINTENDENT
CENTRAL PRISON,
PARAPPANAGHRAHARA,
BANGALORE - 580 100.

3. THE COMMISSIONER OF POLICE
84MC + JVC, SIDDALINGAIAH PALYA,
TUMKUR - 572 103.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA)

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTIUTTION OF INDIA PRAYING TO QUASHING THE ENDORSEMENT AS ANNEXURE-B ISSUED BY THE 2ND RESPONDENT DATED 07.01.2026 IN BCP/J3/19443/2026 BY DIRECTING THE RESPONDENT NO.2/CENTRAL PRISON, BANGALORE, TO RELEASE THE PETITIONER ON PAROLE FOR A PERIOD OF 90 DAYS IN PRISONER CTP NO.13470 CONVICTED BY THE JUDGEMENT AND ORDER DATED 13.03.2023 PASSED BY THE TUMKUR HON'BLE ADDITIONAL DISTRICT IN SESSION JUDGE, AND SPL.C.C.NO.297/2021 FOR THE OFFENCES PUNISHABLE U/SEC. 6 OF POSCO AND SEC 9 OF CHILD MARRIAGE RESTRAINT ACT AND 201 OF IPC, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner in the captioned petition is aggrieved by the endorsement issued by the second respondent denying parole on the ground that reasons assigned to secure parole are not satisfactory.

2. Heard learned counsel appearing for the petitioner and learned AGA appearing for the State. Perused the material placed on record.

3. The petitioner has approached this Court seeking grant of parole to his brother, namely, Hanumantharaju M.G., who stands convicted in Special Case No.297/2021 for the offences punishable under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012. The convict has been sentenced to undergo rigorous imprisonment for a period of twenty years and has, as on date, undergone incarceration for nearly four years. It is not in dispute that this is the second application seeking grant of parole. The records further disclose that on an earlier occasion, the convict was enlarged on parole and had strictly adhered to all the conditions imposed by the competent authorities, without any allegation of misuse or breach.

4. At the outset, it is trite that parole is not to be construed as an act of benevolence or charity, but is an integral component of the reformative theory of punishment. The jurisprudential underpinning of parole lies in affording the

convict an opportunity to maintain familial and social ties, attend to pressing personal exigencies, and facilitate eventual reintegration into society. Viewed in this context, denial of parole cannot be founded on conjectures or vague apprehensions, but must be predicated upon cogent, substantial, and objective material indicating a real and proximate threat to public order or societal safety.

5. In the present case, a careful perusal of the impugned endorsement would reveal that the request for parole is not rejected on the ground of any adverse conduct of the convict or on the premise that his release would endanger society. On the contrary, the rejection appears to be premised on the subjective dissatisfaction with the reasons assigned in the application. This Court finds such an approach to be unsustainable. The material on record does not disclose any adverse remarks against the conduct of the convict during incarceration, nor is there any report of untoward incidents either during his earlier release on parole or otherwise. The satisfactory conduct of the convict, coupled with the absence of

any material indicating potential misuse, clearly tilts the balance in favour of granting parole.

6. Having regard to the totality of the circumstances and in the absence of any compelling reasons to deny the relief, this Court is of the considered view that the petitioner has made out a fit case for grant of general parole for a period of sixty (60) days, subject to stringent conditions to ensure that the liberty granted is not abused.

ORDER

(i) The writ petition is **allowed**;

(ii) The respondents are directed to release the convict, Hanumantharaju M.G., bearing CTP No.13470, on general parole for a period of sixty (60) days from the date of his actual release;

(iii) The endorsement issued by respondent No.2 vide Annexure-B stands set aside;

(iv) The release of the detenue shall be subject to his furnishing an undertaking to the

satisfaction of the competent authority that he shall maintain good conduct and shall not indulge in any unlawful activities during the period of parole;

(v) The respondents are at liberty to impose stringent conditions, including but not limited to:

(a) directing the detenue to report before the jurisdictional police at periodic intervals;

(b) restricting his movement as deemed necessary;and

(c) ensuring that he does not, directly or indirectly, establish any contact with the victim or her family members;

(vi) The detenue shall surrender before the jurisdictional prison authorities immediately upon expiry of the parole period, failing which appropriate action shall be initiated in accordance with law;

(vii) Any violation of the conditions imposed shall entail immediate cancellation of parole;

(viii) Liberty is reserved to the petitioner to seek extension of parole, if permissible in law;

(ix) The Registry is directed to communicate this order forthwith, including by electronic mode, to the concerned prison authorities for immediate compliance.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

HDK
List No.: 1 Sl No.: 40