HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 12029 OF 2026 (GM-POLICE)

BETWEEN:

MR. DEVAPPA @ DEVENDRA BIRADAR
S/O. GUNDAPPA BIRADAR
AGED ABOUT 28 YEARS
OCC:PRISON, R/O. CTP NO.1006
CENTRAL JAIL, KALABURGI
AS PETITIONER IS IN CUSTODY
REPRESENTED BY HIS BROTHER
MR. HANAMANTRAY
AGED ABOUT 28 YEARS
R/AT. 79, JALA HOBLI
DODDAJALA POST
YELAHANKA POST
BANGALORE - 562 157.

...PETITIONER

(BY SRI GIRISH M PATIL, ADV.)

AND:

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY
   DEPARTMENT OF LAW
   JUSTICE AND HUMAN RIGHTS
   BANGALORE - 560 001.

2. STATE OF KARNATAKA
   REPRESENTED BY ITS
   UNDER SECRETARY
   DEPARTMENT OF HOME
   PRISON AND CINEMA
   BANGALORE - 560 001.

3. THE DIRECTOR GENERAL POLICE
   AND INSPECTOR GENERAL OF PRISONS
   SHESHADRI ROAD

BANGALORE - 560 001.

4. THE CHIEF SUPERINTENDENT OF
CENTRAL PRISONS, NATIONAL HIGHWAY - 218
KALABURGI, KALABURAGI DISTRICT - 585 308.

…RESPONDENTS

(BY SRI VIKAS ROJIPURA, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER DIRECTING THE RESPONDENT NO. 4 TO EXTEND REMISSION AND TO RELEASE THE PETITIONER HEREIN ON GENERAL PAROLE FOR AN ADDITIONAL PERIOD OF 30 DAYS FROM CENTRAL PRISON, KALABURGI IN FURTHERANCE OF THE ORDER PASSED BY THE HONBLE HIGH COURT OF KARNATAKA, BENGALURU BENCH IN W.P.NO.33290/2025 ON DATED 11/11/2025 IN FAVOR OF THE PETITIONER HEREIN IN ACCORDANCE WITH LAW.

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

1. The captioned petition is filed by the petitioner, a convict (CTP No.1006), Central Jail, Kalaburagi, seeking the following reliefs:-

> *"i. Issue a Writ of Mandamus or any other appropriate Writ or Order directing the Respondent No.4 to extend remission and to release the*

Petitioner herein on General Parole for an additional period of 30 days from Central Prison, Kalaburgi in furtherance of the order passed by the Hon'ble High Court of Karnataka, Bengaluru Bench in W.P.No.33290/2025 on dated 11.11.2025 Annexure-D, in favor of the Petitioner herein in accordance with law.

ii. Issue any other Writ or Order or Direction that deems fit to grant in the circumstances of the case in the interest of justice and equity."

2. The petitioner, a convict prisoner, is presently undergoing sentence pursuant to the judgment of conviction and order of sentence passed in S.C. No.136/2021 by the Court of the III Additional District and Sessions Judge at Kalaburagi, for the offences punishable under Sections 120B, 302 and 201 read with Section 34 of the Indian Penal Code. The instant writ petition is presented seeking enlargement on general parole, predicated on a supervening and humane circumstance, namely, that the petitioner has recently been blessed with a child and, in accordance with the prevailing social and familial customs, the naming ceremony of the newborn is to be performed, for which the presence of the father assumes both

emotional and cultural significance. In order to substantiate the said circumstance, the petitioner has placed on record a photostat copy of the Birth Certificate issued by Aditi Hospital, Kalaburagi, which *prima facie* evidences the birth of the child.

3. The records further disclose that the petitioner had earlier been enlarged on emergency parole for a period of sixty (60) days commencing from 12.11.2025 pursuant to the order passed by this Court in W.P. No.33290/2025, and there are no adverse remarks placed on record indicating misuse of the liberty so granted. This aspect assumes relevance while considering the present request, as past conduct on parole serves as a guiding factor in assessing the bona fides of the petitioner.

4. Having given anxious consideration to the material placed on record, this Court is of the considered view that the concept of parole is not merely a concession, but an integral facet of the reformative and rehabilitative theory of penology, which seeks to preserve and nurture the social and familial ties of a convict, even during the period of incarceration. The birth of a child is a moment of profound personal and social significance, and the

performance of the naming ceremony is deeply embedded in the cultural ethos of society. Denial of an opportunity to a father to partake in such a foundational familial event would not only sever emotional bonds but would also run counter to the very object of correctional jurisprudence, which encourages reintegration rather than alienation.

5. This Court is also mindful of the fact that temporary release on parole, when circumscribed by appropriate safeguards, does not undermine the administration of justice but rather advances the constitutional goal of humane treatment of prisoners. In the present case, the petitioner having demonstrated a genuine and bona fide ground, coupled with his previous satisfactory conduct while on parole, this Court finds it just and proper to exercise its discretionary jurisdiction in favour of the petitioner.

6. Accordingly, this Court deems it appropriate to grant general parole for a limited period of thirty (30) days, subject to stringent conditions to ensure that the liberty so granted is not abused.

ORDER

(i) The writ petition is hereby ***allowed***.

(ii) The Respondent No.4 – Chief Superintendent, Central Prison, Kalaburagi, is directed to release the petitioner/Devappa @ Devendra Biradar (CTP No.1006) on general parole for a period of thirty (30) days, forthwith, subject to the following conditions:

(a) The petitioner shall mark his attendance before the jurisdictional Police Station once every week during the period of parole. In the event of failure to surrender upon expiry of the parole period, it shall be the responsibility of the jurisdictional Police to secure the petitioner and commit him back to prison in accordance with law.

(b) The petitioner shall not involve himself in any criminal activity during the period of parole and shall maintain good conduct throughout.

(c) The competent prison authority shall impose such additional conditions as are ordinarily stipulated, including execution of bonds and sureties, to ensure the petitioner's timely surrender upon expiry of the parole period.

(iii) The Registry is directed to forthwith communicate this order to the concerned Prison Authorities for immediate compliance.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

DN
List No.:1 Sl No.: 48