

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

**2 CRIMINAL WRIT PETITION NO.1279 OF 2020**

DATTARAO TUKARAM KARKAR – C8332  
VERSUS  
STATE OF MAHARASHTRA AND ANOTHER

...  
WITH

**3 CRIMINAL WRIT PETITION NO.1355 OF 2020**

MOHAN NAGORAO DASHRE – C8968  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
WITH

**4 CRIMINAL WRIT PETITION NO.1356 OF 2020**

MAHENDRA SEVKRAM MAHAJAN – C8503  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
WITH

**5 CRIMINAL WRIT PETITION NO.1358 OF 2020**

VINOD BHIMRAO WATORE - C8614  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
WITH

**6 CRIMINAL WRIT PETITION NO.1359 OF 2020**

GORAKH @ GORKSHNATH DADASHEB AGAM - C8897  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
WITH

**8 CRIMINAL WRIT PETITION NO.1285 OF 2020**

JAGAN S/O ANNA SHERKHANE  
VERSUS  
STATE OF MAHARASHTRA

...

WITH  
**9 CRIMINAL WRIT PETITION NO.1363 OF 2020**

RATAN CHANDU DHAVALÉ  
VERSUS  
THE STATE OF MAHARASHTRA

...

Advocate for Petitioners : Mrs. Sharda P. Chate and  
Shri M. P. Kale  
(in Cri.WP/1285/20 & 1363/20)  
APP for Respondents – State : S/Shri R. B. Bagul, S. D. Ghayal,  
R. V. Dasalkar, K. S. Patil

...

**CORAM : RAVINDRA V. GHUGE AND  
B. U. DEBADWAR, JJ.**

**DATE : 29<sup>th</sup> OCTOBER, 2020**

**PER COURT :**

1. In all these petitions these petitioners are before the Court for challenging their identical orders of rejection of their applications for emergency parole, passed by the Jail Superintendent at Aurangabad. In all these matters, the Jail Superintendent has rejected the applications of the petitioners solely on the ground that they had not availed off furlough or parole leave on at least two occasions prior to moving their application under Rule 19(1)(C) of Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959. No other legal impediment has been noticed by the Jail Superintendent and no other reason has been assigned for rejecting their applications.

2. The learned prosecutors have placed before the Court

the individual details of all these petitioners, which are taken on record and marked as 'X' for identification. Each of them has been in prison for more than three years and none of them have been convicted under any special Act like MCOC, POCSO, NDPS or Section 376 of IPC, etc.

3. We find from the circular issued by the State Government dated 08-05-2020 that these petitioners would be eligible for emergency parole. This Court has consistently held that failure on the part of the petitioners in availing of furlough / parole leave on two occasions prior to the filing of their application under Rule 19(1)(C) of Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959, would not be a legal impediment for considering their applications for emergency parole.

4. On 27-10-2020, this Court has delivered a detailed judgment in the matter of *Samadhan S/O Laximan Dhandge Vs. The State Of Maharashtra & Anr* in Criminal Writ Petition No. 1340 of 2020 and group of petitions vide which the Additional Director General of Police (Prisons), Shri Sunil B. Ramanand, has been requested to convey to the Superintendent of Jails in the State of Maharashtra that Rule 19(1)(C) is applicable even if a candidate has not availed of furlough or parole leave on two occasions prior to moving application under Rule 19(1)(C).

5. The learned prosecutors submit that they had tendered a detailed chart as regards the permitted occupancy and the number of inmates at the Aurangabad Harsool Jail, Aurangabad Open Jail and the temporary Jail at State Bank Officers Association School, in the group of petitions decided on 27-10-2020. These cases in hand are identical to those cases decided vide the said judgment.

6. In view of the above, these petitions are allowed for the same reasons and on the same conditions and directions set out in the judgment dated 27-10-2020 referred to herein above. Consequentially, the impugned orders in all these petitions stand quashed and set aside.

7. Needless to state, all these petitioners would be governed by the conditions imposed vide order dated 27-10-2020 and upon compliance of procedure as is prescribed in law, these petitioners can be released on emergency parole leave on 07-11-2020.

**(B. U. DEBADWAR, J.)**

**(RAVINDRA V. GHUGE, J.)**

SVH