

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Criminal Writ Petition No. 439/2023

Mohd. Aejaz Akbar S/o Abdul Majeed, R/o H. No. 7-7775/6 Naya Mohalla, Mominpura, Gulbarga 585104, Karnataka State At Present Confined In Central Jail Jaipur Rajasthan.

**Through His Father:-** Abdul Majeed S/o Late Abdul Aziz, Aged About 75 Years, R/o H. No. 5-993/32/37/417, Gulshan E-Arfat Colony, Hagarga Road, Gulbarga University Police Station Kalaburagi, Gulbarga 585104 Karnataka.

----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. The Superintendent, Central Jail, Jaipur.
3. Govt. Of India, Through The Ministry Of Home Affairs, North Block New Delhi 110001 (India).

----Respondents

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For Petitioner(s) : Mr. Nishant Vyas,  
Mr. Mujahid Ahmad &  
Mr. T.C. Swami  
For U.O.I. : Mr. Anand Sharma  
For State : Mr. N.S. Gurjar, Asstt. Govt. Adv.

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**HON'BLE MR. JUSTICE PANKAJ BHANDARI  
HON'BLE MR. JUSTICE BHUWAN GOYAL**

**Order**

**31/08/2023**

1. Petitioner through his father has preferred this criminal writ petition seeking third parole for a period of 40 days.
2. It is contended by counsel appearing for the petitioner that petitioner was earlier granted parole by the Hon'ble Apex Court and High Court. Case of the present petitioner is akin to that of Fazlur Rehman Sufi @ Shamim, Dr. Jalees Ansari, Abrerehmat Ansari & Mohammad Afaq, whose parole applications were allowed

by Division Bench of this Court on 09.02.2023. It is also contended that present petitioner has remained in custody for a period of about 26 years & 4 months and has availed the first & second parole and has surrendered in due time. It is further contended that during the custody period, jail conduct of the present petitioner has been satisfactory. It is also contended that reasoned orders have not been passed by the Authorities for rejecting the third parole.

3. It is contended by counsel appearing for the petitioner that against the order dated 09.02.2023 passed in D.B. Criminal Writ Petition No.320/2022 (*Fazlur Rehman Sufi @ Shamim vs. State of Rajasthan & Ors.*) and other connected matters, no Special Leave Petition has been filed before the Hon'ble Apex Court, which fact is not disputed by learned Counsel appearing for the Union of India.

4. Learned Counsel appearing for the Union of India as well as learned Assistant Government Advocate appearing for the State have opposed the present criminal writ petition. It is contended that present petitioner is TADA convicts and is not entitled to release on parole under the Rajasthan Prisoners Release on Parole Rules, 2021 as well as Rules of Central Government, 1955.

5. We have considered the contentions.

6. The Division Bench of this Court while allowing the parole applications in the case of *Fazlur Rehman Sufi @ Shamim vs. State of Rajasthan & Ors.* and other connected matters, has considered all the objections raised by learned Counsel appearing for the Union of India as well as learned counsel appearing for the State and case of the present petitioner is akin to that of other

accused of this case whose parole applications were allowed by the Court and no Special Leave Petition has been preferred by the Union of India and on parity, the present petitioner is also entitled to release on third regular parole, hence, we deem it proper to allow the present criminal writ petition (parole).

7. Consequently, the present Criminal Writ Petition (Parole) is allowed. The order dated 16.08.2022 passed by the Ministry of Home Affairs, is quashed and set-aside. The Jail Authorities are directed to release the present petitioner on third regular parole for a period of 40 days, on furnishing of his personal bonds of Rs.50,000/- with one surety of like amount to the satisfaction of the Superintendent, Central Jail, Jaipur, with the stipulation that he shall surrender himself before the Jail Authority on expiry of parole period and shall maintain peace and tranquility during parole period.

8. In case of failure to surrender by stipulated date, the Jail Authority shall proceed in accordance with law.

9. A copy of this order be sent to the Jail Authorities as well as the petitioner through Jail Authority, for necessary compliance.

(BHUWAN GOYAL),J

(PANKAJ BHANDARI),J

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