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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI.WP-ASDB-LD-VC NO.87 OF 2020

Sobha Sitaram Tayade	... Petitioner
V/s.	
State of Maharashtra	... Respondent

Mr.Rupesh Jaiswal for the Petitioner.

Mr.S.R.Shinde APP for the Respondent-State.

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**CORAM: R. D. DHANUKA AND
V. G. BISHT, JJ.
DATE : 28TH JULY, 2020.
(THROUGH VIDEO CONFERENCE)**

P.C:-

1. Heard learned Counsel for the Petitioner and learned APP for the State.
2. The present petition is moved by the Petitioner, who is sister of Asha wife of Puna Tayade Convict No.2465 confined in Closed Prison Yarwada, Pune. The petitioner seeks Emergency Parole Leave (COVID 19).
3. According to the Petitioner, her sister as referred above, is undergoing life imprisonment under section 302 of the Indian Penal Code. In the wake of present crisis arising out of Corona Virus (COVID 19) the Petitioner's sister had applied for Parole leave which came to be rejected on the ground that she had earlier not surrendered on time and surrendered only after lapse of 574 days.
4. Mr.Jaiswal, learned Counsel for the Petitioner, submitted that keeping

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in view the judgment of Hon'ble Apex Court and as also Government Circular dated 26/3/2020 in the backdrop of Covid-19 pandemic the concerned authorities ought not to have rejected the application of Parole leave moved by the Petitioner's sister.

5. Moreover, according to learned Counsel, the Petitioner's sister has already undergone 12 years and 6 months of actual imprisonment and including remission she has undergone more than 19 years and thus has undergone substantial part of her sentence. In such situation and having regard to the object of Emergency Parole leave and more particularly in the light of prevailing pandemic situation the Petitioner's sister be released on Emergency Parole Leave (COVID 19). Learned Counsel also assures that hereinafter the Petitioner shall not commit any breach of parole. Statement is accepted.

6. Ms.Shinde, learned APP, on the other hand, supported the order of rejection of parole application by the Superintendent of Yerwada Central Jail, Pune.

7. From the record, it appears that there was only one solitary incident of breach of furlough leave amounting to 574 days and except that there is nothing on record. Moreover and admittedly, the Petitioner is undergoing life imprisonment for the offence punishable under section 302 which is offence covered under Indian Penal Code and therefore, out of ambit of notification No.4400/2020 issued by Home Department, Government of Maharashtra.

8. We have taken into consideration the fact that the Petitioner has already undergone substantial part of life imprisonment which is more than

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19 years and there is no serious challenge to this aspect from the side of prosecution. Keeping precisely this in mind and as also the pandemic situation we are of considered view that here is a case which deserves all consideration and Petitioner's sister, namely, Asha wife of Puna Tayade, Convict No.2465 in Yerwada Central Prison, Pune deserves to be released on parole for 45 days under Emergency Parole Leave (COVID 19).

9. We direct the Respondents to obtain appropriate undertaking, sureties from her and to impose suitable terms and conditions. Subject to such terms and conditions and compliance respondents shall release her to avail Parole leave within two weeks from today. Petition is disposed of accordingly.

10. This order will be digitally signed by the Private Secretary of this Court. Associate of this Court is permitted to forward the parties copy of this order by e-mail. All concerned to act on digitally signed copy of this order.

[V. G. BISHT, J.]

[R. D. DHANUKA, J.]