

(2021) 06 GUJ CK 0035

In the Gujarat High Court

Case No : R/Special Criminal Application No. 5162 Of 2021

Pravin @ Pago Hamirbhai Baraiya

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 07-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 302, 324, 452

Citation : (2021) 06 GUJ CK 0035

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Hardik Y Kothari, Maithili D Mehta

Judgement

Nikhil S. Kariel, J

1. Rule. Learned Additional Public Prosecutor Ms. Maithili D. Mehta waives service of Rule on behalf of the respondent â?" State. Heard learned

Advocate for the applicant and learned APP for the respondent- State.

2. By way of this application the applicant prays for being released on parole leave on the ground that his wife is pregnant and her expected date of

delivery was 02.06.2021.

3. I have gone through the Jail record of the applicant and perused the documents produced along with the application as well as considered the

averments made in this application. Jail remarks shows that the applicant had been convicted for the offences punishable under Sections 302, 452 and

324 of the Indian Penal Code and sentenced to life imprisonment. Learned Advocate Shri Hardik Kothari for the applicant submits that the applicant is

in prison since last 14 years 08 months and 17 days. Lastly he has been released on furlough leave in the month of June 2020 and on parole leave from

19.02.2021 to 25.03.2021. Jail remarks also shows that whenever the applicant had been released he had surrendered in time. His jail conduct is shown to be good.

4. Considering the same and considering the reasons mentioned in the application, this Court is inclined to allow this application. The applicant is directed to be released on parole leave for a period of four weeks from 11.06.2021 to 09.07.2021 on executing personal bond of Rs.10,000/-(Rupees Ten Thousand) before the Jail authority and on usual terms and conditions as may be imposed by the Jail Authority.

The applicant convict to surrender before Jail Authority on completion of parole leave, without fail. Rule is made absolute to the aforesaid extent.

After the completion of parole leave, the Jail Authorities shall admit the applicant in jail after strictly following the Circular dated 03.06.2020 relating to

COVID-19 issued by the Superintendent of Jail, Ahmedabad.

Registry is directed to communicate this order to the concerned Jail Authority by fax / email message forthwith.