

(2021) 02 GUJ CK 0081

In the Gujarat High Court

Case No : R/Special Criminal Application No. 2112 Of 2021

Sajidali @ Danny Mohammadali Saiyad Thorough Mehjbin

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 26-02-2021

Acts Referred:

Citation : (2021) 02 GUJ CK 0081

Hon'ble Judges : Dr. A. P. Thaker, J

Bench : Single Bench

Advocate : Hemant B Raval, Nisha Thakore

Final Decision : Partly Allowed

Judgement

Dr. A. P. Thaker, J

1. Heard Mr.Hemant Raval, learned advocate for the applicant and Ms.Nisha Thakore, learned Additional Public Prosecutor for the respondent â?

State through Video Conferencing.

2. The present application has been filed by the applicant - convict, through his wife praying to release him on parole leave on the ground of marriage

of his niece.

3. Ms.Nisha Thakore, learned Additional Public Prosecutor for the respondent â?" State submits that she has received the report from the concerned

police authority that the factum of marriage is confirmed, however, according to the police report, there is no need of presence of the convict in the

marriage. Ms.Thakore, learned Additional Public Prosecutor has vehemently opposed in granting of the parole leave to the convict.

4. Even if the convict is distant relative, his presence is needed in the alleged marriage and the same is scheduled to be started from tomorrow i.e.

from 27.02.2021. Under these circumstances, this Court is of the considered opinion that ten days of parole leave is required to be granted to the convict.

5. Considering the aforesaid facts and circumstances of the case and the sentence undergone by the convict, this Court is of the opinion that the application requires consideration. Hence, the present application is partly allowed. The convict is ordered to be released on parole leave from

26.02.2021 till 07.03.2021 on usual terms and conditions. The convict shall mark his presence once in a week before the nearest police station

between 11.00 a.m. to 2.00 p.m. The convict shall surrender to the Jail Authority on on 08.03.2021, without fail. In case of failure on the part of the

convict, resultantly, in future, he may not be entitled to get any sort of leave which may include parole and furlough. During the period of parole leave,

the convict shall not abuse the liberty granted to him and shall maintain law and order. Rule is made absolute accordingly.

6. On completion of such period, the applicant surrenders, he shall be tested of Covid-19 virus by the concerned Jail Authority and till report comes, he will be kept in seclusion and/or at a quarantine place.

7. Registry is directed to intimate about this order to the concerned jail authority through fax, email and/or any other suitable electronic mode today itself.