

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

D.B. Criminal Writ Petition No. 1516/2021

Mohammed Amin

-----Petitioner

Versus

1. State Of Rajasthan, through PP
2. The Superintendent, Central Jail Agra Road Jaipur
3. Union Of India, Through The Ministry Of Home Affairs
New Delhi

-----Respondents

For Petitioner(s) : Mr. Mujahid Ahmed
Mr. Nishant Vyas

For Respondent(s) : Mr. G.S. Rathore, GA-cum-AAG
Mr. Anand Sharma for Union of India
Mr. Naresh Kumar, SI
Mr. Ajay Singh, Constable 8656
Mr. Kapil Dev Constable 10416, RPL
Jaipur

**HON'BLE MR. JUSTICE PANKAJ BHANDARI
HON'BLE MR. JUSTICE BIRENDRA KUMAR**

Order

01/04/2022

1. Petitioner has preferred this writ petition(parole) for grant of emergent parole to the petitioner on the ground of his medical condition.
2. It is contended by counsel for the petitioner that petitioner is around 80 years of age. He has remained in custody for a period of more than 27 years. He was granted first parole by the Apex



पलिलिपि

जयपुर

Court on 06.08.2018, thereafter, he was granted second parole by the Rajasthan High Court on 22.07.2021. It is also contended that petitioner is suffering from "DM, CAD(Coronary Artery Disease), BPH(Benign Prostetic Hyperplasia)".

3. Counsel for the petitioner has placed reliance upon **State of Gujarat & Anr. Vs Lal Singh @ Manjit Singh & Ors., (2016) 8 SCC 370** and **Asfaq vs State of Rajasthan & Ors., (2017) 15 SCC 55** wherein the Apex Court has held that High Court has the power to grant parole even when the offence is under the provisions of TADA.

4. This Court deems it proper to call the petitioner in person in Court. In pursuance of the directions of the Court, petitioner has been produced before the Court in a wheel chair. The report has been submitted by the Superintendent Central Jail, Jaipur wherein the medical condition of the petitioner is depicted.

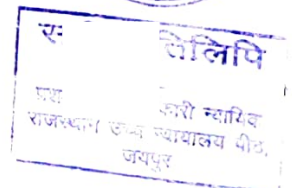
5. Counsel appearing for Union of India has opposed the writ petition(parole). It is contended that accused stands convicted in TADA and the writ petition(parole) does not lie before the High Court.

6. Counsel for Union of India has placed reliance upon **Latif Chhmtumiya Shaikh vs State of Gujarat, 2001 Cri.L.R.(Guj.)**

65.

7. I have considered the contentions.

8. Taking note of the fact that the petitioner was earlier granted parole by the Apex Court and later on by the High Court and after expiry of period of parole, he has surrendered before the Jail authorities and also taking note of the fact that petitioner is aged about 80 years, that he has remained in custody for a period of



more than 27 years, that his medical condition is deteriorating and he needs proper treatment, we deem it proper to grant parole to the petitioner for a period of 30 days.

9. Consequently, the writ petition (parole) stands allowed. The Jail Authorities are directed to release the petitioner on parole for a period of 30 days, on furnishing of his personal bonds of Rs.50,000/- with one surety of like nature to the satisfaction of the Jail Authorities with the stipulation that he shall surrender himself before the Jail Authority on expiry of 30 days from the date of release and shall maintain peace and tranquility during parole period.

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

(BIRENDRA KUMAR),J

(PANKAJ BHANDARI),J

HBE/KA/31

