



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.11827 OF 2024 (GM-POLICE)

BETWEEN:

NEETHA G.
W/O. ANAND
AGED ABOUT 31 YEARS
R/A DINNE KOTHURU, KOLAR
KARNATAKA-563 114.

...PETITIONER

(BY SRI GOWTHAMA V. AND KARTHIK G., FOR
SRI MOHAN KUMAR D., ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HOME
VIDHANA SOUDHA
BENGALURU-560 001.
2. CHIEF SUPERINTENDENT OF PRISON
CENTRAL PRISON
PARAPANA AGRAHARA
ELECTRONIC CITY POST
BENGALURU-560 100.
3. THE STATION HOUSE OFFICER
MASTHI POLICE STATION
MARUTHI EXTENSION, MALUR
KARNATAKA-563 130.

...RESPONDENTS

(BY SRI S. T. NAIK, A.G.A.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-





2 TO CONSIDER THE REPRESENTATION OF THE PETITIONER DTD 18.04.2024 AND TO RELEASE THE CONVICT-ANAND (CTP NO. 11699) ON PAROLE FOR A PERIOD OF 90 DAYS VIDE ANNEXURE-D.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking a direction by issuance of a writ in the nature of mandamus to respondent No.2 to consider his request for grant of general parole for a period of 90 days to her husband, who is a life convict – CTP No.11699 in terms of the Prison Manual.

2. Heard, learned counsel appearing for the petitioner and learned Additional Government Advocate appearing for respondents.

3. The brief facts are as follows:

The petitioner's husband commits a crime which ends up in his conviction in S.C.No.6/2016. On the registration of a crime for the offences punishable under Sections 302, 201 r/w. Section 34 of the IPC, the husband of the petitioner was convicted and sentenced to undergo imprisonment for life. The



petitioner's husband has undergone imprisonment for five years and one month and was granted parole for a period of 15 days from 05.04.2023 to 20.04.2023 by a Co-ordinate Bench of this Court, during which period the petitioner married the detenu.

4. The petitioner seeks parole of her husband on the ground that her husband has been a life convict for over 5 years and 1 month. The petitioner pleads that she is alone and living with her mother-in-law i.e., mother of detenu and she is deprived of her right of progeny. Her mother-in-law suffers from various ailments and she wishes to spend sometime with her grand children and hence, the petitioner desires that her husband to be with him.

5. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

6. The aforementioned facts are not in dispute and therefore, requires no reiteration. The husband of petitioner



has already availed parole for a period of 15 days previously on the application made by the detenué's mother and now his wife seeks parole only on the ground that they got married on 11.04.2023 (during the previous parole period) and she is deprived of her right of progeny. Therefore, I deem it appropriate to grant the husband of the petitioner general parole for a period of 30 days, which becomes operational from 05.06.2024 to 04.07.2024.

7. In view of the aforesaid reasons, the following:

ORDER

(i) The Writ Petition is ***allowed-in-part***.

(i) Petitioner's husband – detenué Anand, (CTP No.11699) is granted general parole for a period of 30 days, which becomes operational from **05.06.2024 to 04.07.2024**.

(iii) The convict (CTP No.11699) - shall mark his attendance in the jurisdictional police station, weekly once throughout the period of his parole and it would be the responsibility of the jurisdictional police to take him to gaol, in the event, the convict (CTP No.11699) would evade going



back to the gaol, after the expiry of the period of general parole.

(iv) Respondent No.2 shall stipulate strict conditions as are usually stipulated, to ensure return of the detinue to the gaol and that the convict shall not commit any other offence during the period of parole

(v) Registry is directed to communicate this order to respondent No.2, by way of electronic mail, forthwith.

(vi) The petitioner's son is at liberty to seek extension of general parole, which shall be considered looking at the conduct of the convict, while he is out on parole.

**Sd/-
JUDGE**

BMC
LIST NO.: 1 SL NO.: 25