



2026:CGHC:3183-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 33 of 2026

1 - Koso Mandavi S/o Gundaru Mandavi Aged About 30 Years R/o Village Irpa, Gayatapara, P.S. Kodenar, Tahsil Bastanar, Distt. Bastar, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Principal Secretary, Department Of Home (Jail), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Distt. Raipur, Chhattisgarh.

2 - The Jail And Correctional Services Chhattisgarh The Director General Prisoner, Jail Road, Raipur, Distt. Raipur, Chhattisgarh.

3 - State Of Chhattisgarh Through The Collector/district Magistrate, Jagdalpur, Place Bastar, Chhattisgarh.

4 - Jail Superintendent Central Jail, Jagdalpur, Distt. Bastar, At Jagdalpur, Chhattisgarh.

5 - Superintendent Of Police Jagdalpur, Place Bastar, Chhattisgarh.

... Respondent(s)

For Petitioner(s) : Ms. Savita Tiwari, Advocate

For Respondent(s) : Mr. Soumya Rai, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

20.01.2026

1. Heard Ms. Savita Tiwari, learned counsel for the petitioner as well as Mr. Soumya Rai, learned Dy. Govt. Advocate for the State/ respondent.

2. The present petition filed by the petitioner under Article 226 of Constitution of India, claiming the following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records from respondents pertaining to petitioner for kind perusal of the Hon'ble Court.

10.2 That, this Hon'ble Court be pleased to quash the order/memo dated 04-11-2025 (Annexure P-1) and direct the respondents to release the petitioner on leave as applied by him in the application for 14+2 days leave.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief, as it may deems fit and appropriate.”

3. The subject matter in brief is that the petitioner is an accused in Crime No. 78/2021, registered at P.S. Kodanar, for the offence under Section 302/34 of IPC for commission of murder of the

deceased Hadamo Mandavi. After the trial of the case before the learned trial Court, the present petitioner has been convicted by the learned Addl. Sessions Judge, Dist- Bastar, Place- Jagdalpur for the offence under Section 302/34 of IPC vide judgment of conviction and sentence dated 17.10.2023 and he preferred Criminal Appeal No. 2113/2023 before this Court. The said criminal appeal filed by the petitioner has been dismissed by this Court vide judgment dated 10.09.2024 and the petitioner is serving the sentence awarded to him and presently, he is in Central Jail, Jagdalpur. The petitioner made an application for grant of leave under the Chhattisgarh Prisoner Leave Rules, 1989 (in short "Rule, 1989"), but the same has been rejected vide order dated 04.11.2025 by the District Magistrate, Bastar, Place- Jagdalpur, which is under challenge in the present petition and the petitioner claimed leave for 14+2 days.

4. Learned counsel for the petitioner would submit that the petitioner is detained in jail from 24.10.2021 which comes to more than 4 years and till date, he has not been granted any leave/ parole by the respondent authorities. As per Rule-5(C) of the Rules, 1989, the petitioner is entitled for leave, however, the authorities have rejected his application for grant of leave on the ground that the objection was raised by the family members of the deceased and there is every apprehension of breach of peace in the village if the petitioner would be released on parole. She would further submit that the petitioner is ready to furnish adequate surety as if he is

ordered to be released on parole, therefore, the petition may be allowed and he may be granted leave/ parole.

5. On the other hand, learned counsel appearing for the State opposes and submitted that after considering the material available with the District Magistrate, he has rightly passed the order.
6. We have heard learned counsel for the parties and perused the material annexed with the writ petition.
7. From perusal of the order impugned, it transpires that there was an objection raised by the family members of the deceased that if the petitioner would be released on parole, he may be again involved in any untoward incident with the family members of the deceased and there is every possibility of breach of peace in the village which is detrimental to the public interest.
8. Apart from the consideration of the District Magistrate, Bastar, we noticed the issue involved in WPPIL No. 33/2025 (In the matter of *Suo Moto Public Interest Litigation Vs. State of Chhattisgarh & Others*), which is pending before this Court. In the said WPPIL No. 33/2025, on being direction made by this Court, the Director General of Police, PHQ, Chhattisgarh, filed his affidavit informing the fact about number of absconding accused persons who have been released on bail. It is necessary to reproduce the relevant part of the affidavit of the Director General of Police, Chhattisgarh, Raipur, which has been observed in the order dated 08.12.2025 in the WPPIL No. 33/2025, which reads as under:-

"4. That, the deponent most humbly and respectfully submits that in order to comply with the order of the Hon'ble Court, the deponent has immediately acted upon the letter of the office of the Advocate General dated 17/10/2025 and in continuation of the same, on 22/10/2025 necessary instructions and directions have immediately been issued to all the Range Inspector General of Polices including the Rail to ensure arrest and entry of 40 prisoners who are still absconding, into the jail by carrying out a special drive in this regard and submit a report about the efforts made for arrest of the accused persons by the concerned Police by 02/12/2025 by enclosing the list of 40 absconding prisoners, who were released on parole, but, have not surrendered and are still absconding so that the order of the Hon'ble Court can be complied with by submitting the information in this regard. To demonstrate this fact, copy of the letter dated 22/10/2025 is filed herewith as Annexure A/3.

5. on That, the deponent most humbly and respectfully submits that taking cognizance of poor performance / efforts / progress in arresting the absconding prisoners, 29/10/2025 a DO letter dated 29/10/2025 has personally been written to all the Range Inspector General of Polices, Chhattisgarh to carry out a special drive for arresting the remaining absconded accused and further

ensure their entry into the jail after their arrest by preparing a working plan in this regard under the supervision of concerned District Superintendent of Polices. To demonstrate this fact, copies of the DO letters dated 29/10/2025 are filed herewith as Annexure A/4 colly.

6. That, the deponent most humbly and respectfully submits that as per the information received from 5 Circle Jails of the State, as on 02/12/2025, 2 absconded prisoners of Circle Jail Ambikapur and Circle Jail Jagdalpur have been arrested out of total 40 prisoners and remaining is 38 in number. To demonstrate this fact, copy of the chart showing arrest of 2 absconded prisoners out of 40 prisoners is being filed herewith as Annexure A/5.

7 That, the deponent respectfully submits that the Police Personnel have made their all sincere and best efforts to arrest the aforesaid 40 absconded prisoners / accused and as a result of which the Police has succeeded in arresting 2 absconded prisoners. It is respectfully submitted that to arrest the remaining 38 absconding prisoners, the continuous efforts are being made by the concerned Police Officials and as soon as the said accused persons are arrested, they would be produced before the concerned learned Trial Court from where

they will be sent to the Jail. That, the deponent most respectfully submits that he has the highest regard and respect for the lawful authority of this Hon'ble Court as well as its orders and directions issued from time to time and is duty bound to adhere to and abide by the orders.”

9. This Court also noticed the increasing number of absconding accused persons who have been either released on parole or bail that once they have been released on bail/parol, they are not surrendering after completion of their period of parole.
10. Therefore, considering the entire facts and circumstances of the case and in view of the aforesaid considerations, we are not inclined to release the petitioner on leave.
11. Consequently, his writ petition is dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice