



2026:CGHC:16799-DB



2026:CGHC:16799-DB

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPCR No. 194 of 2026

Hemlal Yadav S/o Sukhram Yadav, Aged About 26 Years Convict No. 6816/31, Presently Lodged In Central Jail Raipur, District- Raipur Chhattisgarh

... Petitioner

**versus**

**1** - State of Chhattisgarh Through The Secretary, Home Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur (Chhattisgarh)

**2** - Inspector General of Prisons, Chhattisgarh Raipur District- Raipur (C.G.)

**3** - Superintendent, Central Jail , Raipur Chhattisgarh, District- Raipur (C.G.)

**4** - Collector and District Magistrate Raipur District- Raipur Chhattisgarh

**5** - Superintendent of Police, District- Raipur Chhattisgarh

**6** - Thana In Charge Police Station Tilda Neora, District- Raipur Chhattisgarh

... Respondents

---

For Petitioner : Ms. Gayatri Chouhan, Advocate  
 For Respondent/State : Mr. Nitansh Jaiswal, 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**

**13.04.2026**

1. Heard Ms. Gayatri Chouhan, learned counsel for the petitioner. Also heard Mr. Nitansh Jaiswal, learned Deputy Government Advocate, appearing for the State/respondents.



2. The present writ petition has been filed by the petitioner with the following prayers:

*“10.1 Issue a writ of certiorari and set aside memorandum dated 01.10.2025 issued by Thana In charge, Police Station Tilda Neora, District Raipur (C.G.) (Annexure P/5).*

*10.2. Issue a writ of mandamus directing Respondents to release the petitioner for 16 days in accordance with Chhattisgarh Prisoner's leave Rule, 1889;*

*10.3. Pass any other order the Hon'ble Court may deem fit in the interest of justice.”*

3. Learned counsel for the petitioner would submit that the petitioner was convicted by the learned Second Additional Sessions Judge, District Raipur in Sessions Case No. 207/2019 for offences under Sections 302 and 201 of the IPC and was sentenced to life imprisonment, and has been in custody since 30.06.2019. In appeal, the Hon'ble High Court partly allowed the case by setting aside the conviction under Section 302 IPC and instead convicting the petitioner under Section 304 Part I IPC, sentencing him to undergo rigorous imprisonment for 10 years. It is submitted that the petitioner has been released on parole on three occasions previously without any adverse incident. During his last parole from 12.03.2025 to 29.03.2025, while residing at his native village Otgan, a complaint was made by one Lata Sahu alleging that the petitioner had threatened her life, and similar representations were made before the Jail Superintendent and the District Magistrate, Raipur, leading to directions for an enquiry by the



police authorities. Pursuant to the said directions, the Station House Officer, Police Station Tilda Neora conducted a detailed enquiry wherein the petitioner denied the allegations and statements of the village Sarpanch and nearby residents were recorded, all of whom denied any such incident. The enquiry report dated 26.05.2025 clearly concluded that no incident of threat or intimidation had occurred and suggested that the complaint was motivated by the complainant's prior objection to the petitioner's release on parole. Despite this clear exoneration, the Jail Superintendent sought a further opinion, and based on subsequent statements of the complainant and certain objectors, the Station House Officer opined against the petitioner's release. It is submitted that such an opinion is contrary to the earlier enquiry findings and lacks substantive basis, rendering the denial of parole arbitrary and unjust, and therefore the petitioner is entitled to be considered for release on parole in accordance with law.

4. *Per contra*, learned State counsel submitted that the petitioner was originally convicted for grave offences under Sections 302 and 201 of the IPC by the learned Second Additional Sessions Judge, District Raipur and sentenced to life imprisonment. Although in the appeal, this High Court modified the conviction to Section 304 Part I IPC and reduced the sentence to 10 years, the nature of the offence remains serious and involves culpable homicide. It is further submitted that during his last release on parole from 12.03.2025 to 29.03.2025, a complaint was lodged by the victim, Lata Sahu, alleging that the petitioner had threatened her life. The said complaint was also



submitted before the Jail Superintendent as well as the District Magistrate, Raipur, necessitating intervention by the authorities and initiation of an enquiry through the Senior Superintendent of Police. It is submitted that although an initial enquiry report dated 26.05.2025 did not substantiate the allegations, the competent authority, considering the sensitivity of the matter and the safety of the victim, sought a further opinion from the concerned Police Station. Upon recording statements of the victim and other persons including Balram Sahu and members of the locality, it emerged that there exists strong apprehension and objection to the petitioner's release in the village. Taking into account the totality of circumstances, including the nature of the offence, the apprehension expressed by the victim, and the possibility of breach of peace, the Station House Officer opined that it would not be appropriate to release the petitioner on parole. It is further pointed out that this Court in ***WPPIL No. 33 of 2025 (In the Matter of Suo Moto Public Interest Litigation vs. State of Chhattisgarh & Others)*** has already expressed its concern that several prisoners released on parole or short-term bail have absconded and have not returned to custody, thereby creating serious law and order issues. In light of such observations and considering the apprehension expressed by the victim's family, the competent authority rightly rejected the petitioner's application for parole, and no interference is warranted. It is thus submitted that the decision to deny parole is based on relevant considerations of public safety and cannot be said to be arbitrary, and therefore does not warrant interference.



5. Upon hearing learned counsel for the parties and perusing the material available on record, this Court finds that the petitioner stands convicted for a serious offence, which though modified by this Court from Section 302 IPC to Section 304 Part I IPC, nonetheless pertains to culpable homicide. The record further reflects that during the petitioner's last release on parole, a complaint was lodged by the victim alleging threat to her life. Though an initial enquiry report dated 26.05.2025 did not substantiate the allegations, it is evident that the authorities, in view of the gravity of the apprehension raised, sought a further opinion. The subsequent inputs gathered by the local police, including statements of the victim and other residents, indicate subsisting apprehension and opposition to the petitioner's release in the locality.

6. In matters concerning grant of parole, considerations of public safety, maintenance of law and order, and the possibility of disturbance or threat to the victim are of paramount importance. The competent authorities have taken into account the relevant material and have formed an opinion that release of the petitioner on parole may not be appropriate in the present circumstances. This Court does not find the said decision to be arbitrary or without basis so as to warrant interference in exercise of its jurisdiction.

7. Accordingly, the petition being devoid of merit is **dismissed**.

**Sd/-**  
**(Ravindra Kumar Agrawal)**  
**Judge**

**Sd/-**  
**(Ramesh Sinha)**  
**Chief Justice**