



CGHC010261132026

2026:CGHC:30563-DB
NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 385 of 2026**

1 - Shubham Damod @ Raj S/o. Subhash Damod, Aged About 21 Years, R/o Village - Behind Subba Hotal Tarbhar, Police Station Tarbhar, District Bilaspur (C.G.)

... Petitioner**versus**

1 - State of Chhattisgarh Through The Principal Secretary, Department of Home (Jail), Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

2 - The Director General (Prison), The Jail and Correctional Services Chhattisgarh, The Director General Prisoner, Jail Road, Raipur, District Raipur (C.G.)

3 - Jail Superintendent, Central Jail, Bilaspur, District Bilaspur (C.G.)

4 - The Collector / District Magistrate , Bilaspur, District Bilaspur (C.G.)

5 - Superintendent of Police, Bilaspur, District Bilaspur (C.G.)

6 - The Station House Officer, Police Station Tarbahar , Bilaspur, District Bilaspur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner : Ms. Hemlata Sahu, Advocate.

For State/Respondents : Mr. S.S. Baghel, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

Order on Board**Per Ramesh Sinha, Chief Justice****20-07-2026**

1. Heard Ms. Hemlata Sahu, learned counsel for the petitioner as well as Mr. S.S. Baghel, learned Govt. Advocate. appearing for the State/respondents.
2. The petitioner has filed the instant writ petition under Article 226 of the Constitution of India seeking following relief(s):-

“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 Honn’ble Court may kindly be pleased to quash impugned order dated 08-09-2025 and to direct the respondents to release the petitioner on temporary leave (Parole) as applied by him in the application for 14 days.

10.3 That, this Hon’ble Court may kindly be pleased to grant any other relief, as it may deems fit and appropriate.”
3. Learned counsel for the petitioner submits that the petitioner is presently undergoing sentence pursuant to the judgment of conviction and order of sentence dated 23.01.2025 passed by the learned District & Sessions Judge, 2nd (FTSC under the POCSO Act), Bilaspur (C.G.) in Sessions Trial arising out of Crime/FIR No. 459/2021, Police Station Torwa, District Bilaspur, whereby he has been convicted for the offences punishable under Sections 363, 366A, 376, 506, 34 of the IPC and Section 5(g)/6 of the Protection

of Children from Sexual Offences Act. It is submitted that the petitioner is in jail since 15.11.2021 and has maintained good conduct throughout his incarceration without committing any jail offence. It is further submitted that against the judgment of conviction and order of sentence dated 23.01.2025, the petitioner has preferred a criminal appeal before this Hon'ble Court along with an application for suspension of sentence, which is pending consideration. It is further submitted that the petitioner had applied for grant of temporary leave (parole) under the Chhattisgarh Prisoners' Leave Rules, 1989 (in short 'the Rules, 1989'), but the said application has been rejected by the District Magistrate, Bilaspur vide order dated 08.09.2025 solely on the basis of the recommendation of the police authorities. It is contended that the concerned police station, in its report dated 07.08.2025, merely expressed an apprehension that the petitioner's release may lead to dispute and breach of public peace, which recommendation was reiterated by the superior police authorities without any substantive material. It is submitted that respondent No. 4, while passing the impugned order, failed to independently exercise the statutory discretion vested under the Rules, 1989 and mechanically relied upon the police recommendation without application of mind. Learned counsel further submits that the petitioner has fulfilled all the eligibility conditions prescribed under the Rules, 1989. The petitioner has remained in custody for more than the minimum period prescribed under the Rules, has

maintained satisfactory conduct in jail, and suffers from no statutory disqualification for grant of leave. It is further submitted that Rule 4 of the Rules, 1989 requires the competent authority to consider whether the grant of leave would be against public interest and whether the prisoner has committed any jail offence. Apart from these considerations, the petitioner satisfies all other statutory requirements and is entitled to temporary leave. It is, therefore, contended that the impugned order dated 08.09.2025 is arbitrary, illegal, contrary to the provisions of the Rules, 1989, passed without independent application of mind, and solely based upon an unsubstantiated police opinion. The action of the respondents is violative of the fundamental rights of the petitioner and, therefore, the impugned order deserves to be set aside with a direction to the respondents to grant the petitioner temporary leave (parole) in accordance with law.

4. On the other hand, learned counsel for the State opposes the prayer made by the learned counsel for the petitioner and has submitted that the petitioner's application for grant of leave (parole) has been rejected by respondent No.4 vide order dated 08.09.2025 on the recommendation of Senior Superintendent of Police made on the basis of the view expressed by concerned SHO. It has also been reported that there is possibility that if the petitioner is released on parole, he may abscond.
5. We have heard learned counsel for the parties and perused the impugned order and the documents annexed.

6. From perusal of the order impugned, it transpires that the Senior Superintendent of Police has not recommended for grant of parole to the petitioner and further, that concerned SHO has also expressed opinion that the petitioner may abscond if he is granted leave/parole and it may lead to dispute and breach of public peace.
7. Apart from the consideration of the Collector/District Magistrate, Bilaspur, District Bilaspur, 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."

8. 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.
9. Therefore, considering the entire facts and circumstances of the case and that the petitioner has also been convicted and sentenced for the offence under the provisions of Protection of Children from Sexual Offences Act, 2012, we are not inclined to release the petitioner on parole. Further, perusal of the impugned order dated 08.09.2025 goes to show that the Senior Superintendent of Police, Bilaspur, has not recommended for grant of parole and that the concerned SHO has reported that the petitioner may abscond if he is granted leave/parole and it may lead to dispute and breach of public peace. Thereafter, the respondent No.4, agreeing with the recommendation/report has rejected the leave application of the petitioner.
10. Therefore, we do not find any illegality or infirmity in the order impugned dated 08.09.2025 passed by respondent No.4 rejecting the application of the petitioner for grant of leave (parole).
11. Accordingly, the instant petition is liable to be and is hereby **dismissed**.
12. In view of the submission made by learned counsel for the petitioner that Criminal Appeal No.388 of 2025 filed by the petitioner is pending before this Court wherein the application for suspension of sentence and grant of bail is also pending, Registry

is directed to list Criminal Appeal No.388 of 2025 for hearing on the application of suspension of sentence and grant of bail as well as the appeal, on 22-07-2026 before appropriate Bench, as per current roster.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice