



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 36869 OF 2025 (GM-POLICE)

BETWEEN:

1. MITHUN KUMAR .P.K
S/O KESHAVA .P.S
BROTHER OF DHARANIKUMAR .P.K
CTP-01178
AGED ABOUT 32 YEARS
R/O PEECHE HOUSE, PERAJE VILLAGE
PERAJE POST, MADIKERI TALUK
KUNDALPADI PERAJE, KODAGU
KARNATAKA-574314.

...PETITIONER

(BY SRI. MOHAMMED PASHA .C, ADVOCATE)

AND:

1. STATE OF KARNATAKA
HOME DEPARTMENT
THROUGH PRINCIPAL SECRETARY
VIDHANA SOUDHA, BENGALURU - 560001.
2. CHIEF SUPERINTENDENT
CENTRAL PRISON
MYSORE, KARNATAKA - 570007.

...RESPONDENTS

(BY SRI. VIKRAM ROJIPURA, AGA FOR R1 AND R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE R2 TO GRANT GENERAL PAROLE TO THE PETITIONER'S CONVICT



BROTHER DHARANIKUMAR P.K. CTP-01178 FOR A PERIOD OF 90 DAYS ON THE GROUND TO THE PRESENCE OF CONVICT IS NECESSARY TO OVERSEE WORK OF THE HOUSE WHICH IS IN A DILAPIDATED CONDITION AND ALSO TO CONSIDER HE WAS IN JUDICIAL CUSTODY FOR MORE THAN 5 YEARS 9 MONTHS FROM THE DATE OF HIS ARREST, WITHOUT AVAILING ANY PAROLE TILL DATE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is instituted by the petitioner seeking issuance of a writ in the nature of mandamus directing respondent No.2-competent authority to grant general parole to the petitioner's brother, namely Dharanikumar P.K. (CTP No.01178), for a period of 90 days.

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



3. The material on record would indicate that the request of the petitioner for grant of parole is opposed primarily on the basis of an adverse report submitted by the Superintendent of Police, expressing an apprehension that in the event of release, the detainee may pose a threat to the victim, who is the son of the deceased. This Court has carefully perused the said report.

4. At the outset, it requires to be noticed that parole is not a matter of charity, but a facet of the reformatory theory of punishment, which has now gained constitutional recognition as part of humane administration of criminal justice. The object of parole is to enable a convict to maintain social ties, to attend to pressing personal and family exigencies, and to facilitate reintegration into society. The denial of parole, therefore, cannot be mechanical or founded on vague apprehensions, but must be based on cogent and substantial material demonstrating real and imminent threat to public order or safety.



5. The doctrine governing parole has been consistently evolved by constitutional courts to balance two competing interests on the one hand, the societal interest in ensuring safety and order, and on the other, the convict's right to dignity and reformation under Article 21 of the Constitution of India. Parole, thus, serves as a controlled and conditional liberty, which does not interrupt the sentence but merely suspends its execution temporarily.

6. In the case on hand, the prison records placed before the Court unmistakably reveal that the conduct of the detainee during the period of incarceration has been satisfactory and free from any adverse remarks. No untoward incident is reported against him. Significantly, the detainee is seeking parole for the first time in nearly six years of incarceration, which itself is a relevant consideration while evaluating the request.



7. The adverse report submitted by the Superintendent of Police is founded only on a general apprehension that the detainee may pose a threat to the victim. Such an apprehension, in the considered view of this Court, is speculative and not supported by any concrete material. It is trite that mere apprehension of the police authorities, without substantive backing, cannot be a ground to deny parole, particularly when the detainee's conduct in prison is satisfactory.

8. This Court is of the view that appropriate conditions can always be imposed to mitigate any perceived risk, including restricting the movement of the detainee, directing him to report to the jurisdictional police at regular intervals, and prohibiting any contact with the victim or his family. When such safeguards are available, outright denial of parole would be disproportionate and contrary to the principles governing grant of parole.



9. It is also to be emphasized that parole being a reformative measure, denial thereof in the absence of compelling reasons would defeat the very purpose of correctional jurisprudence. The continued incarceration of a prisoner without affording him even a temporary release, despite good conduct, would run counter to the constitutional mandate of fair, just and reasonable procedure.

10. In the totality of the circumstances, this Court is satisfied that the petitioner has made out a case for grant of parole and that the apprehensions expressed in the adverse report can be adequately addressed by imposing stringent conditions.

11. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is ***allowed***;



(ii) The respondents are directed to release the convict Dharanikumar P.K., bearing CTP No.01178, on general parole for a period of 90 (ninety) days from the date of his release;

(iii) The release shall be subject to the detainee furnishing an undertaking that he shall not indulge in any unlawful activities during the period of parole and shall maintain good conduct;

(iv) The respondents shall impose stringent conditions, including but not limited to: requiring the detainee to report before the jurisdictional police at periodic intervals, restricting his movement, and ensuring that he does not, directly or indirectly, make any contact with the victim or his family members;

(v) The detainee shall surrender before the jurisdictional prison authorities immediately upon expiry of the parole period, failing which appropriate action shall be taken in accordance with law;

(vi) Any violation of the conditions imposed shall entail immediate cancellation of parole;



(vii) Liberty is reserved to the petitioner to seek extension of parole, if permissible in law;

(viii) The Registry is directed to communicate this order forthwith to the concerned prison authorities, including by electronic mode, for immediate compliance.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

CA
List No.: 1 Sl No.: 48