

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Criminal Writ Petition No. 533/2026

Pratapram S/o Shri Sadaram, Aged About 37 Years, At Present Lodged In Open Air Camp Sirohi, Distt. Sirohi (Raj) Through His Mother Smt Lasi W/o Shri Sadaram, Aged 73 Years, R/o Meghwalo Ka Bass, Nana, Police Station Nana, Tehsil Bali, District Pali (Raj)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Home, Govt Of Rajasthan, Secretariat, Jaipur.
2. The District Collector And District Magistrate, Pali (Raj)
3. The Dy Superintendent, District Jail, Sirohi Raj

-----Respondents

For Petitioner(s)	:	Mr. Vishal Singh Bhati
For Respondent(s)	:	Mr. Deepak Choudhary, AAG assisted by Mr. K.S. Kumawat

**HON'BLE MR. JUSTICE FARJAND ALI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order

12/03/2026

1. The present criminal writ petition has been instituted by the petitioner-convict Pratapram S/o Shri Sada Ram, resident of Village Mogrwal, Police Station Nana, Tehsil Bali, District Pali (Rajasthan).
2. The petitioner was tried in Sessions Case No. 10/2015 (08/2015) and was convicted for the offences punishable under Sections 302 and 452 of the Indian Penal Code by the learned Additional District & Sessions Judge, Sumerpur, vide judgment dated 01.07.2017, whereby he was sentenced to undergo

imprisonment for life. The petitioner is presently undergoing the said sentence and is confined in Open Air Camp, Sirohi, District Sirohi. Aggrieved by the judgment of conviction and the order of sentence dated 01.07.2017, the petitioner preferred a criminal appeal before this Court being D.B. Criminal Appeal No.1073/2017, which is presently pending adjudication and awaits final consideration.

2.2. It is stated that the petitioner had earlier availed regular parole for a period of 40 days and thereafter completed more than eleven months of incarceration subsequent to the said parole period. In terms of Rule 10 of the Rajasthan Prisoners (Release on Parole) Rules, 2021, such completion of the intervening period rendered the petitioner eligible for consideration of regular parole for 40 days. Thus, the petitioner submitted an application before the competent authority seeking the said benefit.

2.3. The petitioner's case was thereafter placed before the District Parole Advisory Committee, Pali which examined the matter in accordance with the applicable statutory framework. Upon consideration, the competent authority, namely the District Magistrate, Pali, vide order dated 17.01.2026, approved the grant of parole. However, the said approval was made conditional upon the petitioner furnishing two sound and solvent surety bonds of ₹25,000/- each along with a personal bond of ₹50,000/-.

2.4. The petitioner submits that despite the sanction of parole, he has been unable to avail the benefit thereof due to his acute financial incapacity to furnish the requisite surety bonds. It is

asserted that the petitioner belongs to a financially indigent background, and the economic circumstances of his family render it practically impossible for him to procure solvent sureties in the amounts stipulated in the order dated 17.01.2026.

2.5. Under these circumstances, the petitioner has approached this Court by way of the present criminal writ petition under Article 226 of the Constitution of India, seeking appropriate directions for waiver or relaxation of the condition relating to furnishing surety bonds, and praying that he may be permitted to avail the benefit of parole upon furnishing a personal bond alone.

3. Learned counsel appearing on behalf of the petitioner has contended that the petitioner's entitlement to parole already stands recognised by the competent authority, and the sole impediment in the actual execution of the order arises from the onerous condition requiring production of solvent sureties. It is urged that the petitioner's continued incarceration despite the sanction of parole is solely attributable to his inability to comply with a condition that is financially burdensome and practically insurmountable for a person of his modest means.

3. We have heard the learned counsel appearing on behalf of the petitioner and learned AAG as well as perused the material available on record.

3.1. Upon consideration of the matter, it becomes evident that the eligibility and entitlement of the petitioner to parole have already been duly acknowledged by the competent authority. Consequently, the scope of adjudication in the present

proceedings stands confined to the limited question as to whether the condition requiring furnishing of surety bonds deserves to be sustained in the peculiar facts and circumstances of the case.

3.2. It is noteworthy that although the competent authority sanctioned the petitioner's parole, the same has remained unavailed for a considerable duration, solely on account of the petitioner's inability to arrange the requisite sureties. Such prolonged non-availment unmistakably indicates that the petitioner lacks the financial wherewithal necessary to comply with the condition imposed.

3.3. It is a well-established principle of criminal jurisprudence that conditions attached to the grant of bail or parole must be reasonable, equitable and capable of practical compliance. The imposition of conditions which are beyond the financial capacity of the concerned individual effectively nullifies the relief granted and reduces the order to a mere formality devoid of real substance.

3.4. In the present case, the assertion made by the petitioner regarding his financial hardship appears credible. The record reflects that the petitioner belongs to an economically modest background and that his family members are not in a position to furnish solvent sureties of the magnitude stipulated in the impugned order. The Court is therefore satisfied that the petitioner's inability to furnish the surety bonds arises not out of reluctance but from genuine economic constraints.

3.5. Having regard to the totality of the circumstances, and bearing in mind the reformatory philosophy underlying the parole

system, this Court is of the considered view that the ends of justice would be adequately served by relaxing the condition relating to surety bonds. Grant of parole serves an important rehabilitative purpose by enabling a convict to maintain familial and social ties, thereby facilitating gradual reintegration into society.

4. Accordingly, in the peculiar facts of the case, and on humanitarian as well as reformative considerations, the requirement imposed by the competent authority in its order dated 17.01.2026, directing the petitioner to furnish two sureties, is hereby relaxed.

4.1. It is therefore directed that the petitioner Pratapram S/o Sadaram shall be released on parole upon furnishing a personal bond in the sum of ₹50,000/- to the satisfaction of the Superintendent of the concerned jail, without insisting upon the production of sureties. All other conditions governing the grant of parole shall remain unaffected and binding upon the petitioner. It is further clarified that the period of parole shall commence from the date of the petitioner's actual release from custody.

5. In view of the foregoing discussion, the present writ petition stands allowed. A copy of this order shall be forwarded forthwith to the concerned jail authorities for immediate compliance in accordance with law.

(SANDEEP SHAH),J

(FARJAND ALI),J