

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 1462 OF 2015**

JAFAR ABDUL HAQ SHAIKH  
VERSUS  
THE STATE OF MAHARASHTRA & ORS

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Advocate for Petitioner : Mr N S Ghanekar  
APP for Respondents: Mr D R Kale

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.  
Dated: December 15, 2015

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PER COURT :-

1. The present petition is filed assailing the order dated 8.7.2015 passed by respondent no.3 D.I.G. Prison rejecting furlough leave and order dated 23.10.2015 dismissing the appeal.

2. The learned counsel submits that the reason for rejecting the furlough leave is that earlier when the petitioner was granted parole, he reported late by 59 days. Learned counsel submits that, said period is regularized by the State in an appeal filed by the petitioner. Learned counsel submits that when he was released on parole, the petitioner was directed to report to the police station twice a week, which he has sincerely reported. According to the learned counsel, grounds for rejection of furlough leave are not proper.

3. The learned APP submits that report in respect of the petitioner is adverse. Last time, when the petitioner was granted parole he reported late by 59 days. Even the name of the surety

which is given by the petitioner also states that surety is not sure whether the petitioner would report in time.

4. We have considered the submissions.

5. It is right of the prisoner sentenced to life imprisonment to be granted furlough leave of 14 days every two years.

6. As far as the earlier period of overstay is concerned, same stands regularized by the State in an appeal filed by the petitioner as such, said ground would no longer remain.

7. The petitioner can be released on furlough of 14 days by imposing conditions to safeguard his presence.

8. Considering the above, the impugned orders are quashed and set aside. The Respondent authority shall grant furlough to the petitioner and may impose such conditions as permissible to secure his presence.

9. Writ Petition is accordingly disposed of.

**( V.K. JADHAV, J. )**

**( S V GANGAPURWALA, J. )**

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aaa/-