

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITIO NO. 200 OF 2015.

Pintya @ Vinod s/o Padmakar Sawai ..vs.. The D.I.G.Prison (E) Nagpur and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.N.A.Badar, Adv. for the petitioner.
Mr.T.A.Mirza, APP for the respondents.

CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.
DATED : JUNE 10, 2015.

This is second round of litigation. Furlough leave was earlier rejected on 7th of September, 2013 and that order was set aside by this Court on 7th of November, 2014. Reason for rejection in that order was apprehended breach of peace and late surrender.

After remand of matter the vompetent Authority namely; respondent no.1, has obtained a fresh police verification report dated 6th of December, 2014. This verification report has been inadvertently mentioned as of 8th of December, 2014 in the impugned order dated 9th of December, 2014.

Impugned order shows that apart from late surrender the petitioner was not reporting at concerned Police Station regularly and was remaining absent without giving intimation to the surety and was also harassing the witnesses and threatening them to kill.

The apprehended breach of peace does not find any mention expressed in later part. It is not in dispute that the petitioner has not been released after 7th of September, 2013 and perusal of police report dated 6th of December, 2014 shown to us by leaned Additional Public Prosecutor does not show any specific instance of a particular

date on which petitioner has threatened or harassed any witness.

Similarly, petitioner has produced before this Court the slips counter-signed by concerned Police Station to demonstrate his regular attendance.

In the situation, we find impugned order unsustainable. It is quashed and set aside. Respondents are directed to release the petitioner on furlough after he furnishes necessary surety bond and undertaking to report at concerned Police Station once in every two days during period of said leave.

Criminal Writ Petition is partly allowed and disposed of.

JUDGE

JUDGE

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