

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

CRIMINAL WRIT PETITION NO.357 OF 2015

(Ranjit Suryabhan Wahane vs. The D.I.G. (Prisons) (E) and another)

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

Shri M.N. Ali, Advocate for petitioner.

Ms. N.P. Mehta, Additional Public Prosecutor for
respondents.

CORAM : B.P. DHARMADHIKARI AND
 P.N. DESHMUKH, JJ.

DATED : JUNE 22, 2015

Heard Shri Ali, learned Counsel for
petitioner, and Ms. Mehta, learned Additional Public
Prosecutor for respondents. Perused impugned
order dated 14/4/2015 and reply tendered by
respondent no.2.

Furlough leave has been denied to
petitioner on the ground that in 2012, he surrendered
late by 21 days and in 2013, he surrendered late by
15 days.

Shri Ali, learned Counsel for petitioner, submits that petitioner reported back voluntarily and was not required to be arrested.

Ms. Mehta, learned Additional Public Prosecutor for respondents, submits that late surrender by itself disentitles petitioner to furlough leave.

The issue has been looked into by this Court in its judgment in **Raju @ Rajabhau Bhagwantrao Wankhede vs. The D.I.G. Prisons (E)(R) and another** (2015 (1) BCR 64). As the petitioner had surrendered voluntarily and late by few days, we are inclined to direct respondents to release him on furlough after obtaining appropriate surety and bond within a period of two weeks from today. Only for that purpose, the impugned order is quashed and set aside. The criminal writ petition is partly allowed. No costs.

JUDGE

JUDGE

khj