

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

CRIMINAL WRIT PETITION NO.370 OF 2015

(Diwakar s/o Rambhauji Dhobale vs. The State of Maharashtra 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. Rai, Advocate for petitioner.

Shri T.A. Mirza, Additional Public Prosecutor for
respondents.

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

DATED : JUNE 22, 2015

Heard respective Counsel for the parties.

Perused impugned order dated 3/4/2015 and reply
filed by respondent no.2.

The petitioner is in Jail since last two
years. Furlough leave has been denied to him on the
ground that safety of wife of deceased is likely to be
jeopardized, if he is so released.

Shri Rai, learned Counsel for petitioner,
submits that petitioner has no criminal antecedents
and apprehension expressed by respondents is
without any basis.

Shri Mirza, learned Additional Public

Prosecutor for respondents, submits that this is the first furlough application of petitioner and the petitioner has put in just two years in prison. According to him, there has to be some cooling period so as to allow relatives of deceased to calm down and even feelings of the petitioner to be quenched.

After hearing respective Counsel, we find that only reason for denial of furlough to petitioner is likely threat to life of wife of deceased. The said apprehension of respondents is not supported by any material. We, therefore, find that reason ill founded. The impugned order is, therefore, quashed and set aside. The petitioner is directed to be released on furlough within a period of two weeks from today after obtaining necessary surety and bond. If necessary, the Authorities may also pass suitable orders restricting his entry to a particular area. The criminal writ petition is thus partly allowed. No costs.

JUDGE

JUDGE

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