

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

Criminal Writ Petition No.389 of 2015

(Amar Lalendra Mahajan
 vs.
 The D.I.G. Prisons (E), Nagpur and another)

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

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Court's or Judge's Orders

Mr. Mir Nagman Ali, Advocate for the Petitioner.
 Ms. N.P. Mehta, A.P.P. for the Respondents.

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

DATE : JUNE 17, 2015.

Furlough sought by petitioner has been denied by impugned order dated 23/04/2015, because of adverse police report. Police authority at Gondia has reported the apprehension of injury by relatives of victim in the crime and possibility of commission of cognizable offence.

After hearing respective Counsel, we find that the petitioner during his furlough leave has to stay at Gondia, while the relatives of the victim, who are residing at Nagpur, have expressed fear on his releasing on furlough. Not only this, petitioner was released on furlough leave twice and on both occasions, he has surrendered voluntarily late by one day. Lastly, he was released on parole leave and he has surrendered back within time. Thus, after his release on 07/07/2011, 18/06/2013 and 15/04/2014, there was no untoward incident.

In this situation, we quash and set aside the impugned order dated 23/04/2015. The respondents are directed to release the petitioner on furlough within two weeks in accordance with law.

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JUDGE

JUDGE