

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

CRIMINAL WRIT PETITION NO. 435 OF 2015.

Rajdeep Mohan Gedam ..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.Mir Nagman Ali, Adv. for the petitioner.
Mrs.N.Tripati, APP for respondent nos.1 and 2.

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

DATED : JULY 13, 2015.

Heard Advocate Mr.Ali for the petitioner and learned APP
for respondent nos.1 and 2.

Perused impugned order dated 2nd of May, 2015 and
affidavit-in-reply filed by respondents.

Petitioner is in jail since 25th of July, 2013. The furlough
has been denied on the ground that if he is released there may be
breach of peace.

Learned counsel for the petitioner submits that the
apprehension is not substantiated. Petitioner was on bail during trial
and no such type of incident has been reported during that period.

Learned Additional Public Prosecutor opposing his release.
According to her, the apprehension has been supported by affidavit of a
responsible Officer.

We find that if during trial when petitioner was on bail he
has not committed any breach of peace, apprehension that he will
indulge in any such activities now is unsustainable. Hence, subject to
obtaining proper surety bond and an undertaking from the petitioner,
we direct that he be released on furlough leave within three weeks from

today.

Application is partly allowed and disposed of.

No costs.

JUDGE

JUDGE

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