

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL WRIT PETITION (wp) No. 719 OF 2015

Mohd. Ikbal Mohd. Hanif Shaikh

v.

The D.I.G. Prison (East), Ngp. & anr.

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

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 10th DECEMBER, 2015

Heard Advocate Badar. Perused the reply.

Impugned order shows that petitioner's application for furlough has been rejected only on the ground that the surety may not be in a position to keep control of him.

Advocate Badar submits that the petitioner was released earlier on two occasions and had reported back on due dates. He further states that co-accused were also granted furlough by this Court in CWP Nos. 578/15 and 223/15.

Learned APP submits that as per police report, as the petitioner has been found guilty of terrorists activities he is not entitled to furlough. Fact of involvement of petitioner in terrorists

activities is not the reason given in the impugned order. Fact that petitioner was released twice is not disputed. Fact that this Court has also directed release of two co-accused is not in dispute.

In this situation, we find the impugned order dated 3.6.2015 unsustainable. It is quashed and set aside. Respondent no.1 shall pass fresh orders on petitioner's request for release on furlough within four weeks from the date of communication of this order. Writ petition partly allowed and disposed of. No costs.

JUDGE

JUDGE

/TA/