

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

CRIMINAL WRIT PETITION (wp) No. 822 OF 2015

Gajanan @ Gajju Babulal Battulwar

v.

The DIG Priorsn (E), Nagpur & 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 : 15th DECEMBER, 2015

Heard Advocate Ali for the petitioner and APP for the
State.

Perused the impugned order dated 09.9.2015 and
reply.

Furlough leave has been declined on the ground that
there is a negative police recommendation. Adverse
recommendation is because of his late reporting on four occasions
while on furlough leave and on seven occasions while on parole
leave. It is also pointed out that an offence under Section 224 of
Indian Penal Code has been registered against him vide Crime

No.3101/15.

We find that in 2015 he has reported late only by one day on 19.2.2015 and he was not required to be arrested.

Previous instances placed on record in paragraph 4 of reply-affidavit show that he was required to be arrested only in 2011 when he was brought back to jail 22 days after expiry of his parole leave. On all other occasions, he has surrendered voluntarily. Even after his 2011 arrest, he was given parole leave on 20.6.2013 and thereafter on 19.11.2014. In this situation, the reason being pressed in service is unsustainable. Registration of offence under Section 224 of Indian Penal Code is also not relevant. Accordingly, impugned order dated 09.9.2015 is quashed and set aside. Respondents are directed to release the petitioner on furlough after obtaining necessary bonds, undertaking and surety. Petition disposed of. No costs.

JUDGE

JUDGE

/TA/