

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APPW) NO. 167 OF 2015

(Dinkar Krushna Narote vs. The D.I.G. Prison (E)(R), Nagpur & Anr.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
DECEMBER 21, 2015.**

Heard Ms. S.S. Dhote, learned counsel (appointed) for the applicant - petitioner and Mrs. Rashi Deshpande, learned APP for the respondents.

The prayer of the applicant – petitioner for release on furlough leave has been rejected again. His earlier Criminal Writ Petition No. 312 of 2015 was disposed of by this Court on 18.06.2015 with a direction to the authorities to pass fresh orders. The fresh orders have been passed on 20.08.2015.

We find that the police report dated 31.07.2015 is in favour of the petitioner. Similarly, the counsel for the petitioner has produced a report dated 19.11.2015 sent to the office of the Divisional Commissioner, Amravati, by Sanjay Kumar Bhaviskar, SP, Buldhana. We find that that report is also not adverse.

The applicant/ petitioner had absconded in 2012 when he was required to be arrested and brought back after 392 days. For this late reporting, appropriate prison punishment is already inflicted upon him. Thereafter, he was not released. Prior to that, he was given parole leave in the years 2009 and 2011 and

on both the occasions, he reported late voluntarily. The surety for the applicant is one Ashok Dhondiba Dighole, resident of Deopur, Post – Dudha, Taluka & District – Buldhana. It is not very clear whether he is a relative of the applicant.

In the light of prison imprisonment and parole rules mentioned supra, we find the order, refusing furlough leave, unsustainable. It is accordingly quashed and set aside.

We direct the applicant to furnish cash security of Rs.5,000/- and also one of his relatives as surety. The surety shall undertake due return of the applicant on the scheduled date. Thus, in addition to surety of Ashok Dhondiba Dighole, additional surety from a relative will be obtained only if Ashok Dhondiba Dighole is not a relative.

After compliance of this order, the applicant - petitioner shall be released on furlough leave.

Criminal Application is accordingly allowed and disposed of.

The charges of counsel appointed for the applicant - petitioner are fixed at Rs.1,500/-.

JUDGE

JUDGE

*GS.