

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.331/2016

Mohd.Majlum Dost Miyan Ansari (C-172)
...Petitioner..

Versus

The State of Maharashtra.
...Respondent...

.....
Smt.S.K. Doke, Advocate appointed for petitioner.
Shri S.J. Salgare, APP for respondent.
.....

**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 18.04.2016

ORDER :

1] The application tendered by the petitioner for grant of furlough and his release on execution of P.R. bond and cash security, and without insisting for furnishing surety of his relatives, has not been favourably considered by the authorities and it is insisted by the authorities that the petitioner shall furnish the surety bond of his near relation.

- 2 -

2] Learned APP, on instructions, informs that the petitioner has undergone actual imprisonment for about 13 years and he is entitled for remission for a period of 5 years 4 months and 11 days. The total period of imprisonment suffered by the petitioner is 18 years 1 month and 30 days. It is further informed that the petitioner has been categorized as Category 4A prisoner and is liable to be released on completion of 19 years of imprisonment. It is informed that the petitioner is likely to be released from jail on 30.10.2016. A proposal for premature release of the petitioner has already been tendered to the State Government on 22.7.2015 and the same is under consideration. The petitioner hails from the State of Jharkhand and as such the authorities are apprehensive of the petitioner's return to prison after completion of furlough leave.

3] In the peculiar facts and circumstances of this case, since the petitioner is likely to be released permanently on 3.10.2016 in furtherance of the proposal forwarded to the State Government on 22.7.2015, it is not desirable to direct release of the petitioner at this stage. The State Government, however, needs to be

- 3 -

directed to take decision on the proposal tendered by the authorities on 22.7.2015 for premature release of the petitioner from jail as expeditiously as possible and preferably within a period of two months from today. It is accordingly directed. The criminal writ petition is disposed of.

4] Smt.S.K. Doke, learned Advocate appointed as *amicus curiae* shall be paid legal remuneration of Rs.5,000/-.

(K.L. WADANE, J.)

(R.M. BORDE, J.)