

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1119 OF 2016

Raju Vishwanath Jadhav

...PETITIONER

versus

The State of Maharashtra

...RESPONDENT

.....
Mr. C. D. Biradar, Advocate for petitioner (Appointed)
Mr. D. R. Kale, APP for Respondent State
.....

**CORAM : S.S. SHINDE, AND
K.K. SONAWANE, JJ.**

DATED : 29th NOVEMBER, 2016.

Order :-

1. Heard the learned counsel for the petitioner and learned APP appearing for respondent State.
2. The petitioner is convicted for the offence punishable under section 302 read with 34 of the Indian Penal Code and is undergoing prisoner since 2013 and he is in jail at Paithan, District Aurangabad. The petitioner has applied for grant of furlough leave, however, his application was rejected by the competent authority as nobody was ready to stand as surety including his mother for releasing him on furlough leave.
3. It appears from the documents placed on record that, petitioner is convicted for the offence punishable under section 302 read with section 34 of the Indian Penal Code in the year 2013 and this is first time he has applied for furlough leave. In absence of surety to release

the petitioner on furlough leave would cause alarm and danger to the society.

4. In the facts of present case, even mother of the petitioner is not ready to stand as surety to him, in that view of the matter, we do not find any reason to interfere in the impugned order passed by the respondent -authority.

5. In that view of the matter, writ petition stands rejected. However, we make it clear that as and when petitioner is able to furnish surety, he will be entitled to apply for release him on furlough leave.

6. The fees payable to the advocate appointed on behalf of the petitioner be paid to him as per rules.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK