

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 493 of 2016**

Babu Appa Durawi

.. Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Shailesh D/ Chavan for the Petitioner.

Mr.H.J.Dedhia, APP for the Respondent/State.

**CORAM : SMT. V.K.TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 21, 2016.**

ORAL ORDER (PER SMT. V.K.TAHILRAMANI, J.)

1. Rule. Rule made returnable forthwith.
2. The petitioner had preferred an application for furlough. The said application came to be rejected. Being aggrieved thereby the petitioner preferred an appeal. The said appeal came to be dismissed by order dated 11.6.2015. Hence this petition.
3. The application of the petitioner came to be rejected on account of adverse police report. In the police report it is stated that though the surety is found to be competent, however, there is possibility of the petitioner absconding and there is also possibility of danger to

the life of the complainant and other witnesses who reside at Dehu Road, Pune.

4. The petitioner, while on furlough will be residing at Ambernath, which is far away from Dehu Road, Pune. In addition we find that there is no any objective material to come to the conclusion that if the petitioner is released on bail, the petitioner will abscond or there will be danger to the life of the witnesses. No enquiry has been made with the complainant or any other witnesses in this regard. The police report clearly states that the surety i.e. Shanmugam Rangaswami, which has been furnished by the petitioner, is found to be competent surety. In addition, it is seen that the conduct of the petitioner in jail is satisfactory.

5. In view of the above, we are inclined to grant furlough to the petitioner. The petitioner be released on furlough on usual terms and conditions

6. Rule is made absolute in above terms.

(ANUJA PRABHUDESSAI, J.)

(SMT. V.K.TAHILRAMANI, J.)