

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 615 OF 2014

Suraj Sarju Sarate

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

....
Mr. Abhyakumar Apte Advocate appointed for Petitioner
Mr. A.S. Shitole A.P.P. for the State
....

**CORAM : SMT.V.K.TAHILRAMANI AND
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 20, 2016**

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, J.] :

1 Rule. Rule made returnable forthwith.

2 The petitioner preferred an application for furlough on 4.7.2013. The said application came to be rejected on 16.9.2013. Being aggrieved thereby, the petitioner preferred appeal which was dismissed on 10.1.2015. Hence, this petition.

3 The application of the petitioner for furlough came to be rejected as in the year 2009 when the petitioner was

released on furlough on 15.6.2009, he did not report back to the prison in time and ultimately he had to be arrested by the police and was brought back to the prison. There was overstay on the part of the petitioner of 225 days. It is on this ground that it was apprehended that if the petitioner was released on furlough he would not report back in time and would abscond, hence, application for furlough came to be rejected. Looking to the history of the petitioner, it cannot be said that the apprehension is unfounded.

4 Even otherwise, it is seen that in the year 2014 the petitioner has been released on parole from 15.7.2014 to 14.9.2014. Thereafter the petitioner was released on parole on 21.1.2016 for 30 days, however, the petitioner did not report back in time and there was overstay of 58 days. In this view of the matter, we are not inclined to interfere in the order of rejection of the application for furlough. Hence, rule is discharged.

[SMT. ANUJA PRABHUDESSAI, J.]

[SMT. V.K.TAHILRAMANI,J.]