

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1799 OF 2014**

Manoj Parshuram Dhankar .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondent

....
Mr. Prakash Deshmukh Advocate for Petitioner
Mr. H.J. Dedia A.P.P. for the State
....

**CORAM : SMT.V.K.TAHILRAMANI AND
SHRI. C.V. BHADANG, JJ.**

DATED : MARCH 10, 2016

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

1 Heard both sides. Rule. By consent, rule is made returnable forthwith.

2 The petitioner preferred an application for furlough which came to be rejected. Being aggrieved thereby, he preferred appeal. The said appeal came to be rejected, hence, this petition.

3 The application of the petitioner for furlough came to be rejected on the ground that though the surety Shri. Vasant Marde who is the cousin brother of the petitioner, is willing to stand as surety and the surety is found suitable, however, it is apprehended that the surety will not be able to keep check on the petitioner. The second ground is that if the petitioner is released on furlough, he will not report back to the prison in time.

4 As far as the second ground is concerned, it is seen that the petitioner has been released only once from prison on parole. It is not the case of the respondent that when the petitioner was released on parole, he did not report back in time. Thus, the second ground on which the application of the petitioner for furlough came to be rejected, is not tenable.

5 The first ground on which the application of the petitioner for furlough came to be rejected is that the surety may not be able to keep a check on the petitioner. The report submitted by the police clearly shows that the surety is a suitable surety. There is no objective material to come to the

conclusion that the surety will not be able to keep a check on the petitioner when the petitioner is released on furlough. Thus, in our opinion, this ground also has no merit.

6 In view of the above, the order rejecting the application of the petitioner for furlough and the order dismissing his appeal, are set aside and the petitioner be released on furlough for a period of 14 days on the usual terms and conditions as set out by the jail authorities.

7 In view of the above, rule is made absolute in above terms. Petition is allowed and is disposed of accordingly.

8 Fees be paid to the appointed advocate as per Rules.

9 Office to communicate this order to the petitioner who is in Thane Central Prison.

[C.V.BHADANG, J.]

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