

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1914 OF 2015

Suresh Raghunath Patil ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Ms.Farhana Shah for the Petitioner
Mrs.U.V. Kejriwal, APP, for Respondent – State

CORAM: **SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: **JULY 21, 2016**

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner preferred an application for furlough. The said application came to be rejected by order dated 19.11.2014. Being aggrieved thereby, the petitioner preferred an appeal. The appeal came to be dismissed by order dated 11.2.2015, hence, this petition.
4. The application for furlough came to be rejected on the ground that the witnesses stated that there would be danger to their life if the petitioner is released on furlough. The second ground is that the petitioner is a

convict under Maharashtra Control of Organised Crime Act and he belongs to the gang of Arun Gawli. The third ground for rejecting the application for furlough is that if the applicant is released on furlough, there would be threat to peace and security.

5. It is an admitted fact that the co-accused i.e., Arun Gawli has been released on furlough by order dated 2.3.2016. It is also an admitted fact that the petitioner was released on parole on 24.1.2014 for a period of 30 days. The said parole was extended and the petitioner surrendered on the due date. Thereafter, the petitioner was released on parole on 7.11.2015 for a period of 30 days. The said parole period was extended and the petitioner surrendered back to the prison on the due date. During both the periods that the petitioner was on parole, there is no record that any complaint has been made by the complainant or witnesses that any threat was given to them by the petitioner or anyone on his behalf. So also, no record is brought to our notice that when the petitioner was released on parole, there was any illegal activity committed by the petitioner or that there was any activity due to which there was threat to peace and security. Looking to the fact that when the petitioner was released on parole on two occasions, there was no adverse activity on the part of the petitioner and he has duly returned back to the prison on the due date, we are inclined to grant furlough to the petitioner.

The Petitioner be released on furlough on the usual terms and conditions as set out by the jail authorities.

6. Rule is made absolute in the above terms.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)