

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2317 OF 2014

Sahebrao Kaluram Bhintade

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Ms.Rohini Dandekar for the Petitioner
Mrs.A.S. Pai, APP, for Respondent – State

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

DATE: **JUNE 15, 2016**

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

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner has preferred an application for furlough which came to be rejected on 4.1.2013. Being aggrieved thereby, he preferred an appeal. The appeal came to be dismissed by order dated 4.5.2013. The application for furlough came to be rejected on the grounds that there was danger to the life of the complainant and witnesses; that he is a member of a gang and involved in a case under Maharashtra Control of Organised Crime Act and mainly on the ground that the police report was adverse.

4. The petitioner has stated that his co-accused Pratap Tukaram Godse has been released on furlough leave. His statement is not controverted. Moreover, it is seen that the petitioner was released on parole on 5.9.2013 for 30 days. The said parole was extended from time to time and the petitioner had to surrender on 4.2.2014. It is seen that the petitioner surrendered back on the due date on his own. Thereafter, the petitioner was released on parole on 10.9.2015 for 30 days. The said period was extended from time to time and the petitioner had to surrender on 10.12.2015. It is an admitted fact that the petitioner surrendered back to the prison on time.

5. Looking to the fact that on two occasions i.e., in the years 2014 and 2015, the petitioner surrendered back to the prison in time and that during this time, there were no complaints about the conduct of the petitioner, the fact that the co-accused who is similarly situated has been granted furlough and the fact that the conduct of the petitioner in prison has been good, we are inclined to release the petitioner on furlough. Hence, the following order:

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 above terms.

7. Office to communicate this order to the petitioner who is in Kolhapur Central Prison.

8. Fees to be paid to the appointed advocate are quantified at Rs.2,000/-.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)