

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2242 OF 2016

Avinash @ Pintya Ashok Jadhav ... Petitioner

Vs.

The State of Maharashtra ... Respondent

Mr.Hitesh P. 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**

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

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner preferred an application for furlough on 15.12.2015. The said application came to be rejected by order dated 13.4.2016. Being aggrieved thereby, the petitioner preferred an appeal. The appeal came to be dismissed by order dated 29.6.2016, hence, this Petition.
4. The application on the part of the petitioner for furlough came to be rejected on the ground that in the year 2013, when the petitioner was released on furlough, he did not report back to the prison in time. The

police then traced and arrested the petitioner and brought him back to the prison. Based on this fact, it was apprehended that if the petitioner is released on furlough, he would abscond and not report back to the prison. Looking to the conduct of the petitioner, especially the fact that he had to be arrested by the police and brought back to the prison, we cannot say that the apprehension is unfounded. However, if the petitioner prefers a fresh application for furlough, the same be decided expeditiously by the concerned authorities. The application shall not be rejected only on account of earlier overstay but while deciding the application for furlough all relevant facts to be taken into consideration especially the conduct of the petitioner in prison since 6.11.2013.

5. In view of the above, we are not inclined to interfere at this stage, hence, Rule is discharged.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)