

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

CRIMINAL WRIT PETITION NO. 2861 of 2015

Kishor Balkrishna Mhatre

..Petitioner

v/s.

The State of Maharashtra .

..Respondents

Ms. Rohini Dandekar, Advocate appointed for the Petitioner.

Mrs.A.S.Pai, APP for the Respondent/State.

**CORAM : SMT. V.K.TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 04, 2016.**

P.C.

1. Rule. By consent, rule is made returnable forthwith.
2. The petitioner preferred an application for furlough. The said application came to be rejected. Being aggrieved thereby, the petitioner preferred an appeal. The said appeal came to be dismissed on 17th April, 2015. Hence this petition.
3. The application for furlough came to be rejected as the petitioner was granted parole on 20th February, 2014. Though he was granted parole for 90 days, he did not report back in time and there

was overstay on his part for 40 days. However, it is seen that the petitioner, on his own surrendered back to the prison. Thereafter it is seen that the petitioner was granted parole on 4th August, 2015 for a period of 30 days. The said period was eventually extended upto 90 days and the petitioner had to surrender back on 3rd November, 2015. Admittedly, the petitioner surrendered back on the due date. Looking to this fact and looking to the fact that the conduct of the petitioner in jail is satisfactory, we are inclined to grant furlough to the petitioner. Keeping in mind Rule 5 Chapter XXXVII of the Furlough and Parole Rules, as stated in the Maharashtra Prison Manual, the petitioner to be released on furlough after six months from his return from parole. The petitioner to be released on furlough on the usual terms and conditions as set out by the jail authorities.

4. Rule is made absolute in above terms.

5. Office to communicate this order to the petitioner, who is in Nashik Road Central Prison, Nashik.

(ANUJA PRABHUDESSAI, J.)

(SMT. V.K.TAHILRAMANI, J.)