

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2453 OF 2016

Shabbir Shah Gafoor Shah ... Petitioner

Vs.

The State of Maharashtra ... Respondent

Ms.Nasreen S.K. Ayubi, Advocate appointed for the Petitioner
Mrs.U.V.Kejriwal, APP, for Respondent – State

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

DATE: **JULY 27, 2016**

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

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The application of the petitioner for parole as well as furlough came to be rejected, hence this writ petition. By this writ petition, the petitioner has prayed that he be released on furlough or parole.
4. The application of the petitioner for parole and furlough came to be rejected as in the year 2002 when the petitioner was released on furlough, he did not report back in time and ultimately, he had to be traced and arrested by the police and brought back to the prison. There was an overstay of 3697 days on the part of the petitioner. The petitioner was

brought back to the prison on 29.8.2012. Looking to this fact, it was apprehended by the authorities that if the petitioner is again released on furlough or parole, he will not report back in time and he will abscond. Looking to the conduct of the petitioner, it cannot be said that this apprehension is without any basis.

5. In view of the above facts, we are not inclined to interfere. Rule is discharged.

6. Fees to be paid to the appointed Counsel are quantified at Rs.2,500/-.

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

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)