

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3181 OF 2014

Arif @ Baba Auyub Salar

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Ms.Nasreen S.K. Ayubi, Advocate appointed for the Petitioner
Mr.H.J. Dedia, APP, for Respondent - State

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

DATE: NOVEMBER 29, 2016

P.C.:

1. Heard both sides.
2. The petitioner preferred an application for furlough. The said application was rejected by order dated 30.4.2012. Being aggrieved thereby, the petitioner preferred an appeal. The said appeal came to be dismissed by order dated 21.7.2012, hence, this petition.
3. The application of the petitioner for furlough came to be rejected on the ground that when the petitioner was earlier released on furlough, he gave a threat to kill the son of the deceased. On account of this, a case came to be registered against the petitioner.

In view of this fact, the wife of the deceased gave a statement stating that if the petitioner is released on furlough, there would be danger to their lives.

4. In addition to the above, it is noticed that the petitioner was released on parole on 6.10.2012. However, the petitioner did not report back in time. Ultimately, he had to be traced and arrested by the police and brought back to the prison. There was an overstay on the part of the petitioner of 331 days. Looking to all these facts, we are not inclined to grant the prayer of the petitioner to release him on furlough.

5. The petitioner has made a reference to Writ Petition No.3356 of 2011 filed by Sunil Anant Shinde and he has stated that furlough be granted to him in view of the order passed in Criminal Writ Petition No.3356 of 2011. The Writ Petition No.3356 of 2011 was disposed of by this Court vide order dated 28.8.2012. In the said Writ Petition, it is only mentioned that the appropriate authority shall reconsider the furlough, parole applications keeping in mind the guidelines stated in Circular dated 24.8.2012. Even if the guidelines stated in the Circular dated 24.8.2012 are considered, in view of the statement of the wife

of the deceased that there is danger to their lives and in view of the fact that earlier, when the petitioner was released on furlough, he threatened that he would kill the son of the deceased and the fact that he overstayed for 331 days when he was last granted parole, we are not inclined to interfere, hence, Rule is discharged.

6. Office to communicate this order to the petitioner, who is Yerwada Central Prison, Pune.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)