

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 3168 OF 2016**

Nandkumar Savlaram Bhoir ... Petitioner  
Vs.  
The State of Maharashtra ... Respondent

Ms. Rohini Dandekar, Advocate appointed for the petitioner.  
Mr. Arfan Sait, APP for the respondent/State.

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

DATE : **SEPTEMBER 27, 2016**

**P.C.:**

The petitioner preferred an application for furlough on 4<sup>th</sup> April, 2015. The said application came to be granted by order dated 28<sup>th</sup> October, 2015. Pursuant to the order granting the application for furlough, the petitioner was released on furlough on 29<sup>th</sup> October, 2015 to 11<sup>th</sup> November, 2015, i.e., a period of 14 days. On 4<sup>th</sup> November, 2015, the petitioner preferred an application for extension of furlough on the ground of his illness. The extension was sought for a period of 14 days from 12<sup>th</sup> November, 2015 to 25<sup>th</sup> November, 2015. The said application was rejected. Hence, this Petition.

2. It is an admitted fact that after the period of 14 days was over on 26<sup>th</sup> November, 2015, the petitioner reported back to the prison on his own.

The police report shows that the reason given by the petitioner that he was ill and he had viral fever is true. Moreover, in the extended period when the petitioner was out on furlough, he has not come to the adverse notice of the police in any manner. However, just because it was felt that the illness was not serious, the application of the petitioner for extension of furlough was rejected.

3. Earlier certificate of the petitioner dated 4<sup>th</sup> November, 2015 no doubt shows that he was suffering from viral fever and he needed 10 to 12 days bed rest for his recovery, however, the subsequent certificate dated 10<sup>th</sup> November, 2015, the genuineness of which is not doubted, shows that the petitioner was suffering from viral fever and he was developing sign and symptoms like dengue fever, for which investigation was required. Looking to the ill-health of the petitioner, we are of the opinion that on humanitarian ground and in the peculiar facts and circumstances of this case, extension of furlough ought to be granted for a period of 14 days. Accordingly, the period of furlough is extended by a period of 14 days. Any prison punishment imposed on account of this overstay is set aside. If Security deposit is forfeited, it be returned back to the prisoner.

4. Rule is made absolute in the above terms.

5. Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kalamba. The fees to be paid to the appointed counsel are quantified at Rs.2,500/-.

**(MRIDULA BHATKAR, J.)**

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