

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3797 OF 2016

SAGAR BABU PARMAR)
Aged 28 years, Residing at Trimurti Colony,)
Karve Naka Road, Taluka Karad,)
District Satara. (Presently detained in)
Kalamba Jail, Kolhapur))...PETITIONER

V/s.

THE STATE OF MAHARASHTRA & ORS.)...RESPONDENTS

Mr.Ganesh Bhujbal, Advocate for the Petitioner.

Mr.Arfan Sait, APP for the Respondent - State.

**CORAM : V.K.TAHILRAMANI &
A. M. BADAR, JJ.**

DATE : 5th DECEMBER 2016.

ORAL JUDGMENT : (PER V.K.TAHILRAMANI, J.)

1 Heard both sides.

2 Rule. Rule is made returnable forthwith. Petition is heard finally.

3 The petitioner preferred an application for furlough on 8th December 2014. The said application came to be rejected by order dated 27th April 2015. Being aggrieved thereby, the

petitioner preferred an appeal. The appeal was dismissed by order dated 3rd August 2015. Hence, this petition.

4 The application of the petitioner for furlough was rejected on two grounds. The first ground is that in the year 2010, the petitioner assaulted a co-prisoner while he was in jail at Satara. The offence came to be registered vide C.R.No.142 of 2010 against the petitioner for assaulting the co-prisoner. The petitioner has been apprehended in a case of murder of Sanjay Patil. The children of deceased are studying in Karad and it is apprehended that if the petitioner is released on furlough, there will be danger to the life of the children of deceased as the petitioner intends to spent the period of furlough in Karad.

5 As far as the first ground is concerned, the learned counsel for the petitioner pointed out that C.R.No.142 of 2010 has been amicably settled between the parties and the petitioner has been acquitted by a judgment and order dated 21st September 2012.

6 As far as the second ground is concerned, the learned counsel for the petitioner states that the petitioner will not spend his period of furlough in Karad City but he will spend it outside Karad City.

7 In this view of the matter, both the orders dated 27th April 2015 and 3rd August 2015 are set aside. The authority to consider the application of the petitioner for furlough afresh, keeping in mind the above facts. The same be decided expeditiously.

8 Rule is made absolute in above terms.

(A. M. BADAR, J.)

(V.K.TAHILRAMANI, J.)