

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE SIDE**

**CRIMINAL WRIT PETITION NO.4090 OF 2016**

Ravi Shrichand Punjabi ... **Petitioner**  
V/s.  
The State of Maharashtra & Ors. ... **Respondents**  
.....  
Mr.Rajendra J. Rathod, Advocate for the Petitioner.  
Mr.H.J.Dedia, APP for the Respondent/State.  
....

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

**DATED : 22<sup>nd</sup> DECEMBER 2016.**

**P.C.**

- 1            Heard both sides.
- 2            Rule.    By consent, Rule is made returnable forthwith.
- 3            The petitioner has preferred an application for furlough on 27/04/2015 which came to be rejected on 08/07/2016. Being aggrieved thereby, he preferred an appeal. The appeal came to be dismissed by order dated 13/12/2016. The application for furlough came to be rejected on the grounds that there was danger to the life of the

complainant and witnesses; that he is involved in a case under Maharashtra Control of Organized Crime Act (For short 'M.C.O.C.Act.) and mainly on the ground that the police report was adverse.

4           It was also rejected on the ground that a second case is pending against the petitioner i.e. C.R.No.355 of 2012 of DCB, CID. It is stated that the petitioner has been acquitted in the said case vide Judgment and Order dated 03/09/2015. The Judgment has been produced for our perusal.

5           The learned counsel for the petitioner submitted that other accused who have been convicted under the M.C.O.C. Act have been granted furlough. This statement is not controverted by the prosecution. Moreover, the jail record shows that the petitioner has been released on parole on two occasions and on both occasions, he had surrendered back to the prison in time.

6.           Looking to the fact that on both occasions the petitioner surrendered back to the prison in time and that

during this time, there were no complaints about the conduct of the petitioner and the fact that convicts who are similarly situated has been granted furlough, we are inclined to release the petitioner on furlough. Hence, the following order :

The petitioner be released on furlough on the usual terms and conditions as set out by the Jail authorities.

7 Rule is made absolute in above terms.

**(A. M. BADAR J.) (SMT. V. K. TAHILRAMANI J.)**