

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.104 OF 2016

[Mahadeo Shyamrao Bhaskar .vs. The D.I.G. Prison (E) (R), Nagpur and one]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Mr. A.A. Pannase, Advocate [Appointed] for petitioner,
 Mr. V.A. Thakre, A.P.P. for respondents.

CORAM : B.R. GAVAI AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 20, 2016.

The petitioner has approached this court being aggrieved by the rejection of his application for furlough.

The application is rejected on the ground that if the applicant is released on furlough, there is a danger to his life. It is stated that the petitioner's brother, who was also convict, released on furlough, was murdered by the other group.

We find that the ground given is not sustainable. Inasmuch as the petitioner's brother was murdered in 2007, after that the petitioner has been released on furlough for five times, on four times he has surrendered on time and on one occasion he surrendered late but belatedly by 29 days, but was not required to be arrested to bring in prison.

In that view of the matter, we are inclined to allow the petition. The petitioner is directed to be released on furlough in accordance with law.

Fees payable to the learned counsel appointed for the petitioner are quantified at Rs.1500/-.

JUDGE

JUDGE