

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

CRIMINAL WRIT PETITION NO. 470/2016.

Balu @ Prashant Chagan Tembhurne (In jail)

-VERSUS-

State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATE : AUGUST 30, 2016.

Heard Shri N.H. Samundre, learned
counsel for the petitioner and Ms. Tripathi, learned
A.P.P. for respondents.

2. Petitioner on the strength of very same
surety has been released on four occasions. On three
occasions, after enjoying furlough leave, he has
reported back on due date. On one occasion only he
has been late by 15 days, however, he voluntarily
surrendered.

3. Learned counsel for the petitioner explains
that as circumstances then warranted, extension was
applied for and therefore, in the process the petitioner

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did not report on due date.

4. Learned A.P.P. is relying upon the reply affidavit. She submits that as the petitioner did not report back on due date, the impugned order needs to be maintained.

5. It appears that because of pending application for extension of furlough leave the petitioner did not report on due date. In this situation, no fault can be found with his surety. Similarly, as the petitioner has reported back himself, it cannot be said that he has absconded. Hence, the impugned order is quashed and set aside. After obtaining appropriate surety and bound from the petitioner, respondents shall extend him furlough leave.

6. Criminal Writ Petition is accordingly disposed of. No costs.

JUDGE

JUDGE

Rqd.

CERTIFICATE

I certify that this judgment/order uploaded is a true and correct copy of original signed judgment/order.

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