

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

CRIMINAL WRIT PETITION NO. 895 OF 2015

(Dilip s/o Bhagwan Anjekar vs. The D.I.G. Prison (E)(R), Nagpur & Anr.)

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 &
V.M. DESHPANDE, JJ.
FEBRUARY 15, 2016.**

Mrs. S.P. Dhotre, learned counsel (appointed) for the petitioner and Shri J.Y. Ghurde, learned APP for the respondents.

Furlough leave has been declined on 26.08.2014/ 01.09.2014, on the ground that surety proposed is 80 years old and, therefore, unable to keep control over the prisoner. The second ground is, there is no ailing relative.

The apprehension expressed by the wife of the deceased has also been cited as one of the grounds.

As furlough leave is sought, there is no need of showing any ailing relative. The facts on record show that the petitioner has been released at least on three occasions on furlough and parole and there is no report of any untoward incident. Though he has reported late on a few occasions, but has surrendered voluntarily all the times and he was not required to be arrested.

In this situation, the stand of the respondents that the father who is 80 years of age cannot control over

the movements of the petitioner, is also not acceptable.

In the circumstances, impugned order is quashed and set aside. We direct the authorities to obtain necessary surety bond from the petitioner as also of his relative and to release the petitioner on furlough leave within a period of four weeks from the date of communication of this order.

Criminal Writ Petition is, thus partly allowed and disposed of.

The charges of the counsel appointed for the petitioner are fixed at Rs.1,500/- (Rs. One thousand and five hundred only).

JUDGE

JUDGE

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