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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 445 OF 2017  
(THROUGH POST)**

Mahendra @Mayur Chhagan Maru ...Petitioner

Versus

The State of Maharashtra ...Respondent

Ms. Rohini M. Dandekar, Advocate appointed for the Petitioner.

Mr. H. J. Dedia, A.P.P for the Respondents-State

***CORAM : SMT.V.K.TAHILRAMANI &  
REVATI MOHITE DERE, JJ.***

***DATE : 23rd FEBRUARY, 2017***

**ORAL JUDGMENT (Per Smt. V. K. Tahiramani, J.) :**

1. Heard both sides.
2. The petitioner preferred an application for furlough on 25th May, 2016. The surety proposed by the petitioner is his aunt - Smt.Shanta Sapriya, who is working in Municipal Corporation, Mumbai.

3. By communication dated 14th December, 2016, the petitioner was informed that he would be allowed to go on furlough provided he stays 200 km away from the place where the incident took place. The petitioner in the present petition has stated that he has no relation or friend who is staying at the distance of 200 km from the place of the incident, hence, the condition of spending his period of furlough 200 km away from the place of the incident be set aside.

4. Learned APP states that the incident had taken place in Prabhadevi, Mumbai. The complainant and the witnesses are residing at Prabhadevi, Mumbai. The surety proposed by the petitioner is residing in Chembur.

5. Learned Counsel for the petitioner states that the petitioner will reside in Chembur area which is far away from Prabhadevi and that the petitioner will not enter into Prabhadevi area. The surety proposed by the petitioner is also found to be a competent surety.

6. In view of the above, we set aside the condition of the petitioner spending his period of furlough 200 km away from the place where the incident took place. The petitioner be released on furlough on furnishing the surety of his aunt - Smt.Shanta Sapriya, who is working in the Municipal Corporation, Mumbai. The petitioner be released on furlough on furnishing surety bond of Rs.20,000/-. In addition a condition is imposed on the petitioner that he will not enter into the area of Prabhadevi, Mumbai. A further condition is imposed that he will stay at Chembur and report at Chembur Police Station every day during the period he is on furlough.

7. Rule is made absolute in above terms. Petition is disposed of accordingly.

8. Office to communicate this order to the petitioner, who is in Nashik Road Central Prison, Nashik.

**(REVATI MOHITE DERE, J.)**

**(V. K. TAHILRAMANI, J.)**