

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1413 OF 2017

Yogesh Bhau Gurav
Aged : 30 years, residing at
C/o. Bhau Dhagdu Gurav,
Karvenagar, Pune – 411 052
and presently lodged in Yerwada
Central Prison vide Prison No. C- 17293 .. Petitioner

Vs.

1. The State of Maharashtra
through Office of Public Prosecutor

2. The Inspector General of Prison
Pune Western Zone, Pune.

3. The Deputy Inspector,
General of Prison, Pune,
Western Zone, Pune – 411 001.

4. The Superintendent,
Yerwada Central Prison, Pune.

5. The Senior Inspector of Police,
Dattawadi Police Station .. Respondents

Mrs. Harjeet Kaur Bhagwant Singh, for the Petitioner.
Mrs.G. P. Mulekar, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI &
M.S.KARNIK, JJ.**

26th APRIL, 2017

ORAL JUDGMENT (PER SMT. V.K.TAHILRAMANI, J.) :

1. Heard both sides.

2. The petitioner preferred an application for furlough on 30/06/2016. The said application came to be rejected by order dated 23/11/2016. Being aggrieved thereby, the petitioner preferred an Appeal. The Appeal was dismissed by order dated 09/03/2017. Hence, this Petition.

3. The application of the petitioner for furlough came to be rejected mainly on the ground that if the petitioner is released on furlough, there is possibility of danger to the life of the witnesses. 2nd ground is that the petitioner is involved in two serious offences relating to body and 3rd ground is that if the petitioner is released on furlough, he will abscond.

4. As far as first ground is concerned, the order of rejection shows that witnesses are not residing within the jurisdiction of Bhore police station, whereas it is stated that the petitioner will be residing within the jurisdiction of Bhore police

station. Hence, it is not as if the petitioner would be residing in the same area as the witnesses.

5. As far as 2nd ground is concerned that the petitioner is involved in two serious cases relating to bodily offence, it is seen that 1st case is the present case and 2nd case is C.R.No. 65 of 2007 which is under sections 324 and 504 of IPC. Both these offences cannot be said to be serious in nature.

6. As far as 3rd ground is concerned that the petitioner will abscond if he is released on furlough, it is seen that in C.R.No. 65 of 2007, the petitioner has been released on bail by the concerned Court. Hence, we find no merit in this ground.

7. Looking to the above facts, we are inclined to grant furlough to the petitioner. The petitioner to be released on furlough for a period of 28 days on usual terms and conditions as set out by the Competent Authority. In addition, the condition is imposed on the petitioner that during the period he is on furlough, he will reside within the jurisdiction of Bhore

police station and he will not go outside jurisdiction of Bhore police station and in addition, he will report every alternate day to Bhore police station.

8. In view of the above, the Petition is allowed. Rule is made absolute in the above terms.

9. It is stated that the petitioner is at present in Nasik Road Central prison. Office to communicate this order to the petitioner who is in Nasik Road Central prison.

(M.S.KARNIK, J.)

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