

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2125 OF 2017

Vijay Vishnu Kambli (Through Jail)		Petitioner
<i>Versus</i>		
The State of Maharashtra		Respondent

Mr. Abhaykumar Apte, Appointed Advocate, for the Petitioner.

Mrs. G.P. Mulekar, A.P.P., for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 28TH SEPTEMBER, 2017.

ORAL JUDGMENT : [Per Smt. V.K. Tahilramani, J.]

1. Heard both sides.
2. The Petitioner preferred an application for furlough on 19th May 2016. The said application came to be rejected by order dated 20th December 2016. Being aggrieved thereby, the Petitioner preferred an Appeal. The Appeal was dismissed by order dated 8th March 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 would be danger to the life of the Complainant and the witness. Hence, on account of the said fact, if the Petitioner was willing to stay 200 kms. away from his place of residence during his period of furlough, then, the Jail Authorities were inclined to grant furlough to the Petitioner. However, the Petitioner indicated that he was not willing to stay 200 kms. away from the place of his residence during his period of furlough, hence, his application for furlough came to be rejected.

4. The Petitioner is undergoing imprisonment, as he has committed the murder of his wife. As far as the grounds for rejection are concerned, the Complainant is a Police Officer. Hence, he certainly cannot state that there is danger to his life from the Petitioner. As far as the witness, i.e. Smt. Sangita S. Parab, is concerned, who is residing in the same building as that of the Petitioner, she has stated that she has no objection to the Petitioner being released on furlough.

5. In this view of the matter, we are of the opinion that the order of rejection and the appellate order needs to be set aside. Accordingly, it is set aside. The Petitioner be released on furlough on usual terms and conditions, as would be imposed by the Jail Authorities. However, it is made clear, that no condition shall be imposed that the Petitioner should spend his period of furlough 200 kms. away from the place of his residence and the Petitioner is allowed to spend his period of furlough at the place of his residence i.e. in Borivali, Mumbai.

6. Writ Petition is allowed.

7. Rule is made absolute in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[SMT. V.K. TAHILRAMANI, J.]