

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

WRIT PETITION NO. 2549 OF 2017

Ananta Kashtya Bhoye	...	Petitioner
V/s.		
The State of Maharashtra	...	Respondent

- Mr. Prosper D'Souza, Advocate appointed 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 : 22nd AUGUST, 2017.

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

- 1] Heard both sides.
- 2] Rule. By consent, Rule is made returnable forthwith and the matter is heard finally.
- 3] The Petitioner preferred an Application for furlough on 7th May, 2016. On 7th October, 2016, the Petitioner was informed to furnish another surety (i.e. from 200 k.m. away from Palghar District).
- 4] This condition was imposed because as per Police report, when the Petitioner was released on bail, he abused and threatened

the complainant and witnesses. The Petitioner preferred an application that he may be released on the same surety that he had proposed. However, the request was rejected by DIG (Prison) on 20/12/2016 and by the Appellate Authority i.e. IG (Prison) on 5/5/2017. The Jail record of the Petitioner shows that on 6/12/2014, the Petitioner was released on furlough and he reported back to the prison on his own. During this period of furlough, which was spent in Palghar, no complaint has been made by anybody regarding the conduct of the Petitioner.

5] In this view of the matter, we are of the opinion that the Petitioner should be released on furlough on furnishing the same surety which is proposed by him. In addition, any other terms and conditions may be imposed on the Petitioner by the competent authority while releasing him on furlough.

6] Rule is made absolute in above terms.

7] Office to communicate this order to the Petitioner, who is in Nashik Road Central Prison, Nashik.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (SMT. V.K. TAHILRAMANI, J.)