

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2568 OF 2017

Ganesh Motiram SangamnerPetitioner
V/s.
The State of MaharashtraRespondent

Mr. Prosper D'Souza , Advocate for Petitioner.
Mr. H.J.Dedhia, APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : July 25, 2017.

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

Heard both sides.

2 The petitioner preferred an application for furlough on 21.10.2016. The said application was rejected by order dated 12.1.2017. Being aggrieved thereby petitioner preferred an appeal. The appeal was dismissed by order dated 8.5.2017 hence, this petition.

3 Application of the petitioner for furlough came to be rejected mainly on the ground that on the last occasion,

i.e., on 30.9.2013 when the petitioner was released on furlough, he did not report back to the prison on due date. The petitioner then was arrested by the police and brought back to the prison on 21.11.2013. Thus, there was overstay of 37 days on the part of the petitioner. Based on this, it was apprehended that if the petitioner is released on furlough, he would not report back to the prison in time and he may abscond. Looking to the conduct of the petitioner, we do not find any error in the conclusion arrived at by the authorities. Hence, we are not inclined to interfere.

4 Rule is discharged.

5 However, if the petitioner prefers fresh application for parole or furlough, same to be decided on merits after looking into the recent conduct of the petitioner.

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

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