

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2758 OF 2017

Preetam Thakaram Lalgude	Petitioner
V/s.	
The State of Maharashtra	Respondent

Ms. Ankita Naik with Ms. Indrayani Koparkar, Advocates for
Petitioner.
Ms. R.M.Gadhavi , 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.]

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 10.2.2017. Application was rejected by order
dated 6.3.2017. Being aggrieved thereby, petitioner
preferred an appeal. The appeal was dismissed by order

dated 12.6.2017. Being aggrieved by the said order, this petition has been filed.

4 Appeal of the petitioner came to be rejected on the ground that on 13.6.2016 when he was released on parole for 30 days, he did not report back to the prison on the due date, i.e., on 12.8.2016 and there was delay of 29 days on the part of the petitioner in reporting back to the prison. In view of this overstay, it was apprehended that if the petitioner was released on furlough, he would not report back to prison and he may abscond.

5 As far as apprehension of absconding is concerned, it is seen that on 13.6.2016 when the petitioner was released on parole, no doubt, there was overstay of 29 days but the petitioner reported back to the prison on his own and it is not the case that he was arrested by the police and brought back to the prison.

6 As far as the aspect of overstay of 29 days is concerned, it is seen that thereafter by order dated

15.6.2017, parole period has been extended by period of 30 days. Jail chart of the petitioner also shows that when parole was granted on 13.6.2016 for 30 days, thereafter, parole period was extended by further period of 30 days and within that time, the petitioner reported back to the prison on his own. The said jail chart is taken on record and marked 'X' for **Identification.**

7 Looking to the above facts, the order rejecting application of the petitioner for furlough and the order dated 12.6.2016 cannot be sustained. Hence, the said orders are set aside. The petitioner to be released on furlough on usual terms and conditions as set out by jail authorities.

8 Rule is made absolute in the above terms.

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