

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2991 OF 2017

Ayyub Papamiya Khan (Through Jail) Petitioner
Versus
The State of Maharashtra Respondent

Ms. Rohini M. Dandekar, Appointed Advocate, for the Petitioner.

Mr. Arfan Sait, A.P.P., for the Respondent-State.

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

DATE : 23RD AUGUST, 2017.

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

1. Heard both sides.
2. The Petitioner preferred application for furlough on 18th May 2016. The said application was rejected by order dated 22nd December 2016. Being aggrieved thereby, the Petitioner preferred Appeal. The said Appeal was dismissed by order dated 27th March 2017. Hence, this Petition.
3. The application of the Petitioner for furlough came to be rejected mainly on the ground that on 14th May 2013, when the

Petitioner was released on parole for 30 days, he did not report back to the Prison in time and ultimately he was traced and arrested by the Police and brought back to the Prison. Thus, there was overstay of 82 days in reporting back to the Prison. Based on this, the authorities apprehended that, if the Petitioner is released on furlough, he may abscond and he will not report back to the Prison.

4. Looking to the conduct of the Petitioner, it cannot be said that this apprehension is without any basis and we are, therefore, not inclined to interfere. Hence, the Petition is dismissed. Rule is discharged.

5. Office to communicate this order to the Petitioner, who is in Kolhapur Central Prison, Kalamba, Kolhapur.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

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