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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3184 OF 2017**

Shivaji Malji Gindra	]	
prisoner No.13154,	]	Petitioner
lodged in Yerwada Central Prison	]	

V/s.

The State of Maharashtra	]	Respondent
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Mr. Prosper D'souza, appointed advocate
for the Petitioner.

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

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

DATE : 12TH SEPTEMBER, 2017.

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

1. Heard both sides.
2. The petitioner has preferred an application for furlough on 23rd June, 2016. The said application was rejected by order dated 27th January, 2017. Being aggrieved thereby, the petitioner preferred an appeal. Appeal was dismissed by order dated 9th June 2017, hence this petition.
3. The application of the petitioner for furlough came

to be rejected, mainly on the ground that on 22.11.2013, when the petitioner was released on parole for 30 days despite the fact that extension of parole leave was granted for 60 days, the petitioner did not report back on the due date to the prison. Ultimately, the petitioner was traced and arrested by the police and brought back to the prison. There was overstay of 870 days, on the part of the petitioner. Looking to this fact, it was apprehended by the authorities that if petitioner is released on parole, he will not return to the prison and will abscond. In addition, it is seen that police report is adverse and the Superintendent of Prison has not recommended his release.

4. Looking to the conduct of the petitioner, it cannot be said that the apprehension of the authority is without any reason. Hence, we are not inclined to interfere. Rule is discharged. Petition is dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

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