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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4769 OF 2017**

Eknath Arjun Mohite	.. Petitioner
Vs.	
The State of Maharashtra	.. Respondent
.....	
Mr. Prosper D'Souza, Advocate appointed for the petitioner.	
Mrs. G.P. Mulekar, A.P.P. - State.	
.....	

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 6th DECEMBER, 2017.

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

Heard both sides.

2. The petitioner preferred an application for furlough on 4/5/2016. The said application was rejected by order dated 6/2/2017. Being aggrieved thereby, the petitioner preferred an appeal which was dismissed by order dated 3/7/2017, hence, this petition.

3. The application of the petitioner for furlough came to be rejected mainly on two grounds that in the year 2006,

when he was released on furlough on 22/11/2006 he did not report back in time and he was traced and arrested by police and brought back to the prison on 10/5/2012. Thus, there was overstayed of 1981 days on the part of the petitioner to report back to the prison. In view of this fact, it was apprehended by the authority that if the petitioner is released on furlough, he will not report back to prison in time and would abscond. Looking to the conduct of the petitioner, it cannot be said that this apprehension is without any foundation. In addition, it is seen that the petitioner has been convicted for the offence punishable under Section 395 of the Indian Penal Code. Rule 4(2) of the Prisons (Bombay Furlough & Parole) Rules, 1959, states that the person, who is convicted for the offence punishable under Section 392 to 402 of the Indian Penal Code, shall not be released on furlough. Looking to all these facts we are not inclined to interfere. Rule is discharged.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)