

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4538 OF 2016
(THROUGH JAIL)**

Anilkumar Ramshakal Sharma
Convict/6466
(Presently lodged at Nahsik Road
Central Prison, Nashik)

...Petitioner

Versus

State of Maharashtra

...Respondent

Mr. Prosper D'Souza, appointed Advocate for the Petitioner

Mr. H. J. Dedia, A.P.P for the Respondent-State

**CORAM : SMT. V. K. TAHILRAMANI &
REVATI MOHITE DERE, JJ.
TUESDAY, 17th JANUARY, 2017**

ORAL JUDGMENT (Per Smt. V. K. Tahiramani, J.) :

1. Heard both sides.
2. The petitioner preferred an application for furlough on 23rd April, 2016. The said application was rejected by order dated 19th August, 2016. Being aggrieved thereby, the petitioner preferred an appeal. The appeal was dismissed by order dated 15th November, 2016. Hence, this petition.

3. The main ground on which the application of the petitioner for furlough came to be rejected is that on 17th May, 2011, the petitioner was released on furlough for a period of 14 days. However, he did not report back in time. Ultimately, the petitioner had to be traced and arrested by the police and brought back to the prison. There was delay of 108 days. Thereafter, despite the fact that the petitioner had earlier overstayed and he was brought back to the prison by the police authorities, the petitioner was released on furlough on 7th February, 2013 for a period of 14 days. The petitioner did not report back to the prison in time and after more than one year, to be more precise, 383 days, the petitioner was arrested by the police and brought back to the prison. In view of these facts, the authorities apprehend that if the petitioner is released on furlough, he will abscond and will not report back to the prison in time.

4. Looking to the conduct of the petitioner, it cannot be said that this apprehension is without any basis.

5. In view of the above facts, we are not inclined to interfere. Rule is discharged.

(REVATI MOHITE DERE, J.)

(V. K. TAHILRAMANI, J.)