

FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR

**CRIMINAL WRIT PETITION NO. 492/2017**

(SURYAKANT ATMARAM KADAM (IN JAIL) **VERSUS** STATE OF MAHARASHTRA, THR. THE D.I.G.  
 PRISONS (E)(R), NAGPUR & ANOTHER)

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 Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders

Court's or Judge's orders

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 Ms M.S. Hiwase, Appointed Counsel for the petitioner.  
 Ms T. Khan, A.P.P. for the respondent/State.

**CORAM : SMT. VASANTI A NAIK AND**  
**M.G. GIRATKAR, JJ.**

**DATE : AUGUST 11, 2017.**

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 13.08.2016, rejecting the application of the petitioner for grant of furlough leave of 28 days on the basis of the police verification report.

It is brought to the notice of this Court by the learned counsel for the petitioner that though in Criminal Writ Petition No.1911 of 2015, filed by the petitioner at the Principal Seat, the respondents therein were directed to release the petitioner on furlough leave of 14 days on furnishing surety, the petitioner could not be released as the petitioner was immediately thereafter, transferred to the Morshi Open Prison. It is stated that the petitioner has already undergone the sentence of more than 12 Years and 9 Months and the reason recorded in the police verification report that there is a possibility that the petitioner would abscond, is not supported by any reason.

On hearing the learned counsel for the parties, we find that though in the police verification report it is stated that there is a possibility that the petitioner would abscond, no reason whatsoever is recorded for observing so. Also, we find that the petitioner is 64 years of age and has already undergone the sentence for 12 Years and 9 Months. There is no reason recorded in the police verification report for suspecting that the petitioner may abscond. In the circumstances of the case, specially when the criminal writ petition filed by the petitioner was allowed at the Principal Seat and 14 days furlough leave was granted to him, it would be necessary to allow this writ petition and direct the respondents to pass an order releasing the petitioner on furlough leave of 28 days.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. The petitioner should be released on furlough leave of 28 days after completing the necessary formalities. Since the counsel for the petitioner is appointed through the Legal Aid Sub Committee, Nagpur, we quantify her professional fees at Rs.1,500/- which may be paid to the counsel, at the earliest.

Order accordingly.

Steno copy of the order is granted to the learned Additional Public Prosecutor, on request.

**JUDGE**

**JUDGE**