

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

CRIMINAL WRIT PETITION NO. 624/2017

(AKASH PURUSHOTTAM MAHURKAR (IN JAIL) **VERSUS** THE DY. I.G. OF PRISON (EAST REGION),
NAGPUR & ANOTHER)

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

Court's or Judge's orders

Ms S.B. Khobragade, counsel for the petitioner.
Mrs. N.R. Tripathi, A.P.P. for the respondents.

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

DATE : SEPTEMBER 07, 2017.

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 11.04/05.2017 rejecting the application of the petitioner for furlough leave.

The application of the petitioner for furlough leave is rejected solely on the ground that the father of the petitioner who is ready to furnish surety for the release of the petitioner would not be able to keep control over him as he is a cook in a hotel.

Ms Khobragade, the learned counsel for the petitioner, states that earlier the petitioner was released on parole leave and he had surrendered on the due date. It is stated that while the petitioner was released on parole leave, his father Shri Purushottam Mahurkar, who is ready to give surety, had given surety and at that time, and the D.I.G. Prisons had not objected to the furnishing of the surety by the father of the petitioner.

In the circumstances of the case, we find that the D.I.G. Prisons is not justified in rejecting the furlough leave application of the petitioner. Merely because the father of the petitioner is a cook in a restaurant, viz. Amrut Bar, and he is 63 years of age, it cannot be said that he would not be able to control the petitioner. Also, on the earlier occasion, the father of the petitioner had furnished the surety when he was released on parole leave.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. The respondents are directed to release the petitioner on furlough leave within seven days from the date on which his father furnishes the surety, as is required by Rule 6 of the Rules.

Order accordingly.

JUDGE

JUDGE

APTE