

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

CRIMINAL WRIT PETITION NO. 782/2017

(RAVICHAND @ RAJA MADANCHAND THAKUR (IN JAIL) **VERSUS** THE DIG PRISONS (E)(R) & ANR)

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.
Ms N.R. Tripathi, A.P.P. for the respondents.

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

DATE : SEPTEMBER 01, 2017.

By this criminal writ petition, the petitioner challenges the order of the D.I.G. Prisons, Nagpur, dated 16.08.2017 rejecting the application of the petitioner for grant of furlough leave by relying on Rule 4(11) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

It is brought to the notice of this Court by the learned counsel for the petitioner that Rule 4(11) which denies furlough leave to a convict who has filed an appeal and the application for bail is rejected, is challenged in a couple of criminal writ petitions and since this Court has *prima-facie* found merit in the challenge, furlough leave was granted to the prisoners-petitioners in those cases.

We find that furlough leave could not have been denied to the petitioner by placing reliance on rule 4(11) of the Rules. Moreover, there is nothing in the impugned order to show that the petitioner had applied for bail and the application was rejected. Since in a couple of writ petitions, where Rule 4(11) is challenged, this Court has granted furlough leave to the petitioners in the said writ petitions, it would be necessary to allow this writ petition also.

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 the relative of the petitioner furnishes surety, as is required by the Rule 6 of the Rules of 1959.

Order accordingly.

JUDGE

JUDGE

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