

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 894 /2017

Arun S/o Parasram Waghmare

-vs-

The State of Maharashtra through the D.I.G Prison, Eastern Region, Nagpur &
anr.

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

Court's or Judge's orders

Smt. S.B. Saikhede, Adv. (Appointed) for the petitioner
Shri N.R. Tripathi, A.P.P for the Respondents

CORAM : Smt. Vasanti A. Naik &
M.G. Giratkar, JJ.

DATE : 29/09/2017

Heard.

By this criminal writ petition, the petitioner challenges the order of the D.I.G (Prisons), Nagpur dated 24/07/2017 rejecting the application of the petitioner for grant of furlough leave.

It is stated on behalf of the petitioner that the impugned order is liable to be set aside as the furlough leave application is rejected because the petitioner has applied for furlough leave for the first time and the respondents are apprehensive as to how the petitioner would behave if he is released on furlough leave.

We are not impressed with the reason recorded by the respondents for rejecting the furlough leave application. Merely because the petitioner has applied for the first time for furlough leave, the

application could not have been rejected on the ground that the respondents would not be aware as to how the petitioner would behave if he is released on furlough leave. Also, the furlough leave application could not have been rejected merely because the appeal filed by the petitioner is pending in this Court. Rule 4 (11) has been challenged in a couple of writ petitions and in those matters, this Court has granted relief in favour of the petitioners, therein.

Hence, for the reasons aforesaid, the criminal writ petition is allowed. The impugned order is quashed and set aside. The respondents are directed to release the petitioner on furlough leave within 7 days from the date on which the relative of the petitioner furnishes the surety as required by the provisions of Rule 6 of the Rules of 1959. Order accordingly.

The professional fees of the learned counsel for the petitioner are quantified at Rs. 1500/-.

JUDGE

JUDGE

Ansari