

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION (CWP) NO. 961 OF 2016

(Shri Rakesh s/o Vikas Jadhav vs. Deputy Inspector General of Prison, East Division, Nagpur & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
APRIL 12, 2017.**

Heard Shri C.D. Wasade, learned counsel (appointed) for the petitioner and Mrs. N.R. Tripathi, learned APP for the respondents.

2. The furlough leave has been rejected on the ground that the petitioner has been reporting late and his surety is not in a position to keep control on him. It is also pointed out that the house of victim is just behind the house of the petitioner.

3. We have perused the papers. We find that the petitioner has been released on furlough or parole leave on various occasions and he has reported late. However, it has not been pointed out that he was required to be brought back by the police. His reporting back appears to be a voluntary act.

4. Though the family of the victim may be residing just adjacent to his house, there is no report of any untoward incident in the past.

5. From reply placed on record, it appears that in 2009 while the petitioner was on parole leave, it is alleged

that he had committed an offence under Section 326 of the Indian Penal Code. However, after this incident, he has been again released on about two occasions and he has reported back.

6. In this situation, we find the rejection erroneous. The impugned order dated 07.07.2016 is accordingly quashed and set aside. The respondents are directed to obtain bonds and undertaking from him and his surety and then release him on furlough leave within next three weeks. Writ Petition is disposed of accordingly.

7. The charges of counsel appointed for the petitioner are fixed at Rs.1,500/- (Rs. One thousand five hundred only).

JUDGE

JUDGE

*GS.