

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4013 of 2017**

Ashele Edward Rodrigues
versus
The State of Maharashtra

....Petitioner
.....Respondent

Ms. Maya A. Bhalerao, advocate for the petitioner.
Mr. S. R. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 5th OCTOBER, 2018.

P. C. :

This petition is filed though jail challenging the orders of the Deputy Inspector General of Prison and Additional Inspector General of Police rejecting the petitioner's application for furlough. In the year 2016, the petitioner made an application for furlough as stated above, the same was rejected in the month of January, 2017 by the Deputy General of Prison. The appeal preferred by the petitioner was also rejected on 9th June, 2017. The petitioner's application for furlough was rejected mainly on the objection of the complainant and witnesses that there is danger to their life if he is released on furlough. However, we find that there is no supporting evidence. In our opinion, the petitioner's application could not have been rejected merely on the apprehension of the complainant and witnesses without their being any supporting evidence.

2. In the above said circumstances, the impugned orders cannot be sustained and the same are quashed and set-aside. The Deputy Inspector General of Prison is directed to consider the petitioner's application afresh and pass appropriate orders as expeditiously as possible and in any case, within a period of 10 days from the date of receipt of this order.

3. In light of above order, the petition stands disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]