

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL W.P. NO. 2136 OF 2017**

C/8087 Rajendra Ratnakar Velande
Nasik Road Central Prison,
Nasik

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

....

Ms. Rohini Dandekar Advocate appointed for Petitioner
Mr. Arfan Sait APP for State

....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.SONAK, J.
DATED : JULY 06, 2018**

ORAL JUDGMENT [PER SMT. V.K.TAHILRAMANI, ACJ.] :

1 Heard both sides.

2 The petitioner preferred an application for furlough on
1.3.2017. The said application was rejected by order dated
5.5.2017. Being aggrieved thereby, the petitioner preferred an
appeal. The said appeal was dismissed by order dated
28.8.2017, hence, this petition.

3 The order of rejection shows that the application of the
petitioner for furlough came to be rejected on the ground that
his appeal against his conviction and sentence was pending

before the higher Court. Ms. Dandekar learned advocate for the petitioner submitted that the application of the petitioner for furlough came to be rejected in view of Rule 4(11) of The Prisons (Bombay Furlough and Parole) Rules, 1959 as it stood then. She pointed out that by Notification dated 16.4.2018, the said Rule 4(11) has been deleted, hence, this ground now cannot be a good ground to deny furlough to the petitioner. She further pointed out that the appeal of the petitioner i.e. Cri. Appeal No. 126 of 2010 has been disposed of by this Court by judgment and order dated 6.1.2018. She submitted that in view of the disposal of the appeal, now this ground cannot be a good ground to deny furlough to the petitioner.

4 In addition, she pointed out that earlier on four occasions the petitioner has been released on furlough i.e. in the year 2011, 2013, 2015 and 2016 and on all the four occasions, the petitioner has reported back on the due dates to the prison. In addition, she pointed out that the petitioner was released on parole on three occasions and on all the three occasions, the petitioner reported back on the due dates to the prison. She pointed out that there is no record to show that

during the period that the petitioner was on parole or furlough, he has not come to the adverse notice of the police. In view of these facts, she prayed that furlough be granted to the petitioner. We find much merit in the submissions of Ms. Dandekar.

5 In view of the above facts, we set aside the orders dated 5.5.2017 and 28.8.2017 and we grant furlough to the petitioner. The petitioner to be released on furlough on usual terms and conditions as may be imposed by the sanctioning authority.

6 Office to communicate this order to the petitioner who is in Nasik Road Central Prison, Nasik.

M.S.SONAK, J.

ACTING CHIEF JUSTICE

Kandarkar

Jayant
Digambarrao
Kandarkar

Digitally signed
by Jayant
Digambarrao
Kandarkar
Date:
2018.07.09
15:34:44 +0530