

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3174 OF 2017

Praful M. Ghadi

...Petitioner

Versus

The Addl. Director
General of Police and
Superintendent of Central
Prison and ors.

...Respondents

Mr. Prosper D'souza, Advocate appointed for the Petitioner.
Mr. Arfan Sait, APP for the Respondent-State.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &
M. S. SONAK, J.**

DATE : 25.04.2018.

ORAL JUDGMENT [PER SMT. V.K. TAHILRAMANI, A.C.J.] :

1] Heard both sides.

2] The petitioner has preferred an application for furlough on 19.10.2016. The said application was rejected by order dated 08.02.2017. Being aggrieved thereby, the petitioner has preferred an appeal. The appeal was dismissed by order dated 08.06.2017, hence, this petition.

3] The application of the petitioner for furlough came to be rejected on the ground that the appeal preferred by the petitioner against his conviction and sentence is pending before the higher court. The other ground on which his application has been rejected is that if he is released on furlough, there will be law and order situation and there may be danger to the life of complainant and his family members.

4] As far as the first ground is concerned, Rule 4(11) of the Prisons (Bombay Furlough and Parole) Rules, 1959 (Rules 1959), which stated that if the appeal preferred by the prisoner against his conviction is pending before the higher forum, he shall not be eligible to be granted furlough, has been deleted from the Rules 1959, as per Notification dated 16.04.2018. Hence, this ground is no longer a good ground to deny the petitioner furlough.

5] As far as the other grounds are concerned, it is seen that the petitioner was granted furlough on 9.10.2015 for a period of 14 days and the petitioner has reported back to

the prison on the due date on his own. During the period, the petitioner was released on furlough from 9.10.2015 to 24.10.2015, no material is brought to our notice that there was any law and order situation or that the petitioner has threatened the complainant or his family members. Hence, these grounds are also not good grounds to deny the petitioner furlough. In view of this matter, we are of the opinion that furlough can be granted to the petitioner. The petitioner to be released on furlough on usual terms and conditions as may be imposed by the Sanctioning Authority.

6] Rule is made absolute in the above terms.

7] Office to communicate this order to the applicant, who is in Kolhapur Central Prison, Kalamba, Kolhapur.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

D.S.Sheria