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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4744 OF 2017

Sunil Vishwanath Gaikwad ...Petitioner

Vs.

The State of Maharashtra & anr. ...Respondents

.....

Mr. Hitesh P. Shah, Advocate for the petitioner.

Mrs. G.P. Mulekar, A.P.P. - State.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 11th JANUARY, 2018.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, J.):

Heard both sides.

2. The petitioner preferred an application for furlough on 2/10/2016. The said application was rejected by order dated 21/3/2017. Being aggrieved thereby the petitioner preferred an appeal. The said appeal was dismissed by order dated 10/8/2017, hence, this petition.

3. The application of the petitioner for furlough came to be rejected on the ground that on 24/7/2012, when the petitioner was released on furlough and on 23/4/2013, when the petitioner was released on parole, he did not return back on the due date to the prison and ultimately he had to be arrested by the police and brought back to the prison. On 24/7/2012, when the petitioner was released on furlough, he was arrested by the police and brought back to the prison on 3/10/2012 i.e. after an overstay of 56 days. Even though, the petitioner did not return back to the prison on the due date and he was arrested by the police and brought back to the prison, despite this fact the petitioner was released on parole on 23/4/2013. However, the petitioner did not report back on the due date to the prison and he was arrested by the police and brought back to the prison on 12/12/2013 i.e. after a delay of 202 days. On account of these two facts, it was apprehended by the authorities that if the petitioner is released on furlough, he will not report back to the prison in time. Looking to the conduct of the petitioner, it cannot be said that this apprehension is without any basis. Hence, we

are not inclined to interfere, hence, the rule is discharged. However, if the petitioner prefers a fresh application for furlough, the same to be considered by the authorities on its own merits after also taking into consideration the recent conduct of the petitioner in the prison. If such an application is preferred, the said application be disposed of expeditiously by the concerned authority.

4. The Writ Petition is disposed of accordingly.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)