

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

CRIMINAL WRIT PETITION NO.231 OF 2018

[Satish s/o Kishor Rao Bansod .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri R.D. Hajare, counsel (appointed) for the petitioner,
Shri B.M. Lonare, APP for the respondents.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 09, 2018.

Heard.

By this criminal writ petition the petitioner challenges the order of the D.I.G. Prisons, Nagpur dated 21.7.2017 rejecting the application of the petitioner for grant of furlough leave.

The furlough leave application of the petitioner is rejected on an apprehension that the petitioner may not return to the prison on the due date after the expiry of the furlough leave. It is also stated in the impugned order that when the petitioner was released on furlough leave in the year 2014, he has returned to the prison three days after the due date.

We do not find any propriety in the action on the part of the respondents of denying the furlough leave. The petitioner has undergone the sentence of imprisonment for nearly 14 years. When the petitioner was released on furlough in 2014, he had surrendered to the prison, though there was a delay of about three days in surrendering. The apprehension expressed by the respondents that the petitioner would not return to the prison if he is released on furlough leave is baseless.

In the circumstances of the case, the criminal writ petition is allowed. The impugned order is quashed and set aside. The respondents are directed to release the petitioner on furlough

within seven days from the date on which the relative of the petitioner furnishes the surety as is required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959. Order accordingly.

JUDGE

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JUDGE