

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 282/2018

(BALKRUSHNA FATTUJI RAKHADE (IN JAIL) **VERSUS** THE STATE OF MAHARASHTRA, THR. D.I.G.
OF PRISON (E)(R), NAGPUR & ANOTHER)

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

Court's or Judge's orders

Ms S.D. Wankhede, counsel for the petitioner.
Mrs. N.R. Tripathi, A.P.P. for the respondents.

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

DATE : APRIL 05, 2018.

Heard.

By this writ petition, the petitioner challenges the order of D.I.G. Prisons, Nagpur, dated 16.02.2018 rejecting the application of the petitioner for grant of furlough leave.

The furlough leave application of the petitioner is rejected solely on the ground that when the petitioner was released on furlough in the year 2015, he was required to be arrested by the police 38 days after the due date on which he should have returned to the prison.

The learned counsel for the petitioner states that the petitioner would mend his ways and if he is released on furlough on this occasion, he would return to the prison on the due date. It is stated that an opportunity may be granted to the petitioner to prove himself.

Though the learned Additional Public Prosecutor opposes the prayer made in the writ petition, in our view an opportunity needs to be granted to the petitioner to mend his ways. The last default on the part of the petitioner was three years earlier. The petitioner has already undergone the imprisonment of nearly 4½ years. Since the learned counsel for the petitioner has stated

that the petitioner would return to the prison on the due date, it would be necessary to release the petitioner on furlough.

Hence, for the reasons aforesaid, the 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 surety as is required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959.

Order accordingly.

JUDGE

JUDGE

APTE