

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.477 OF 2019

Manoj S/o Bhimrao Chaudante
(C-11090)

Central Prison, Nasik.

.. PETITIONER

Versus

1] The State of Maharashtra
Through I.G.
Prisons, Pune.

2] The State of Maharashtra
Through D.I.G.
Prisons, Aurangabad.

3] The State of Maharashtra
Through Superintendent Central
Prison, Nasik.

.. RESPONDENTS

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Shri Rupesh A. Jaiswal, Advocate for petitioner

Shri P.G.Borade, APP for respondents State.

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**CORAM : T.V.NALAWADE &
MANGESH S. PATIL, JJ.**

DATE : 26/04/2019

ORAL JUDGMENT : (PER T.V.NALAWADE,J)

Rule. Rule is made returnable forthwith. By consent,
Petition is heard for final disposal.

2] The present proceeding is filed for relief of quashing and setting aside order made by respondents no.1 and 2 dated 6/2/2019 and 5/11/2018 by which the application filed for furlough leave is rejected.

3] This Court has gone through the order made of rejection. It shows that due to adverse report of police, the application is rejected. There is a record like statements of the concerned including the first informant showing that witnesses have no objection to grant furlough but in police report it is mentioned that there is possibility that quarrel may take place. Due to release present petitioner will go in the vicinity of the place of the witnesses. There is no allegation or specific statement of any relative of that nature and on the contrary, the statements are of different nature having no objection. The deceased was relative of the petitioner. The statements made show that in case of his release, he will live at Mukhed situated at the distance of 30 Kms. from the place of residence of witnesses or at Kandhar situated at the distance of 50 Kms. from the place of residence of witnesses. It will be the first release on furlough of the present petitioner. In view of the circumstances, this Court holds that the adverse police report has no justification and relief needs to be granted.

4] The authority is allowed to impose conditions as per the Rules.

5] In the result, Petition is allowed in terms of prayer clause "B". Rule is made absolute in above terms.

(MANGESH S. PATIL, J.) (T.VNALAWADE,J.)

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