

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 498 OF 2019

Ramesh S/o Girjaram Bansode,
Age: 30 Years, Occu.: Nil C. No.7870,
R/o. At Present in Central Prison,
Aurangabad.

... **PETITIONER**

VERSUS

1. The State of Maharashtra.
2. Dy. Inspector General,
Central Prison, Aurangabad.
3. The Superintendent of Central Prison,
Aurangabad.

... **RESPONDENTS**

...
Mrs. B. B. Gunjal, Advocate for Petitioner.
Mr. M. M. Nerlikar, APP for Respondents.
...

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

DATE : 25th April, 2019.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2 The proceeding is filed for relief of quashing and setting side the order made by Respondent No.2 dated 22nd October, 2018 by which the application filed for furlough leave is rejected.

3 The record and submissions made show that in the past when the Petitioner was released on parole, he returned late by 30 days. Due to that, remission of 90 days was deducted. That decision was challenged by the Petitioner by filing Criminal Writ Petition No.1675 of 2018. This Court observed that there was no proper procedure available for applying for extension of parole and in view of the facts of the matter, the Court reduced remission to make it 30 days.

4 In the present matter, the furlough is refused by giving reason that he may cause breach of peace. Another reason is given that in the past he had not returned in time when parole was granted to him. Police report is in favour of the Petitioner. In view of these circumstances, this Court holds that rejection of furlough leave is not justified and that needs to be set aside. The matter needs to be

reconsidered by the authority. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. The order of rejection of furlough leave is set aside.
- III. The application filed is to be again considered and decision on it is to be taken within 30 days from today.
- IV. This decision is to be communicated to the Petitioner.
- V. Rule is made absolute in those terms.
- VI. Authenticated copy is allowed to both the sides.

[MANGESH S. PATIL, J.]

[T. V. NALAWADE, J.]