

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

CRIMINAL WRIT PETITION NO.557 OF 2019

Dashrath @ Dekey Laxman Kasbe,
(Convict No.10366)
Age 26 years, Occu. Nil,
R/o Nashik Road, Central Prison,
Nashik.

... **Petitioner.**

Versus

1. The State of Maharashtra,
Through Deputy Inspector General (Prison),
Central Division, Aurangabad.
District Aurangabad.
2. The Police Superintendent,
Nashik Road Central Prison,
Jail Road, Nashik.

... **Respondents.**

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Mr. Krishna P. Rodge, Advocate for Petitioner (appointed).
Mr. M.M.Nerlikar, APP for Respondents-State.

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

DATE : 24th April, 2019

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

1. Rule. Rule made returnable forthwith. By consent,
heard both the sides for final disposal.
2. The present proceeding is filed for the relief of

quashing and setting aside the order made by Respondents dated 02.11.2018, by which furlough leave is refused to the present petitioner. The ground given is that the concerned police have taken objection. The objection is taken on the basis of the objection of the witnesses of the case. The petitioner is convicted for the offence punishable under Section 302 of the IPC. The record shows that in the application, the petitioner has mentioned that if furlough is granted to him, he be living at Wakadi, Tahsil Kalamb, District Osmanabad which is situated at a distance of 170 k.m. away from the place of the witnesses. It will be first furlough leave. He has been behind bars since 15.07.2014 and he has completed more than four years of sentence of imprisonment. In view of these circumstances, this court holds that the reasons given are not convincing.

3. In the result, the petition is allowed. The order of refusal is set aside. Direction is hereby given to respondent that furlough leave be granted to petitioner upon appropriate conditions as per the rules. Rule made absolute in those terms.

4. Fees of the learned Advocate Mr. Krishna P. Rodge appointed on behalf of petitioner is quantified

as Rs.3,000/ (Rupees Three thousand), which would be payable by the High Court Legal Services Sub - Committee at Aurangabad.

(MANGESH S. PATIL, J.)

(T.V.NALAWADE, J.)

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vmk/-