

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 634 OF 2019

Kiran Prakesh Patil,
Convict No. C-11421,
Nashik Road, Central Prison,
Nashik

.....Petitioner

Vs.

The State of Maharashtra **..... Respondent.**

Mr. Jaydeep Chinchane, Advocate for petitioner (appointed).

Mr. S.J. Salgare, APP for respondent/State.

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

DATED : 30/04/2019.

ORAL JUDGMENT : [PER T.V. NALAWADE, J.]

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

2) The petition is filed to challenge the order made by the respondent dated 6.2.2019 by which the furlough leave application of the petitioner came to be rejected. Direction is also claimed for grant of furlough leave.

3) This Court has carefully gone through the reasoning given for refusal of furlough leave. The reasoning is that there is adverse police report and it is mentioned that furlough leave

cannot be granted as per Rule 4(4), 4(6) of the Maharashtra (Furlough and Parole) Rules, 1979. It appears that it will be his first furlough leave. The submissions made show that there is nothing to substantiate that the case falls under Rule 4(6) as no record of misconduct inside of the jail is produced. On the contrary, it is the case of respondent that his conduct has been good and he has earned leave for good conduct over the period starting from 2013. The murder took place out of some private dispute. As per the petitioner, he will be staying at the distance of 90 k.m. from the place of complainant. In view of all these circumstances, this Court holds that the order has no base and it cannot sustain. In the result, the petition is allowed. The order made by the respondent is hereby set aside. The application filed for furlough leave by the petitioner is allowed and as per the usual conditions, furlough leave is to be granted to the petitioner. The fees of the learned counsel appointed for petitioner is quantified as Rs.3,000/-. It is to be paid through High Court Legal Services Authority.

Rule is made absolute in those terms.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/