

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 731 OF 2019

Usmanali Yusufali

Age : Major, Occu. Convict No. C-7912,

R/o. At present Nashik Road,

Central prison, Nashik

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through The Secretary,
Home Department, Mantralya,
Mumbai- 32.
2. The Additional Director General of Police
And Inspector General of Prisons,
Pune-1.
3. The Deputy Inspector General of Prisons
Central Department, Aurangabad ..RESPONDENTS

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Advocate for the Petitioner : Mr. V. U. Pawar (Appointed)

A.P.P fore Respondent-State : Mr. K.S. Patil

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**CORAM :T.V. NALWADE AND
K.K. SONAWANE ,JJ.**

DATE : 3rd JUNE, 2019.

ORAL JUDGMENT (PER T.V. NALWADE, J.)

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

2. The petition is filed to challenge the order passed by the respondent dated 27.11.2018 by the Addl. D.G.P. And I.G. Prison, Pune

by which the furlough application of the petitioner came to be rejected.

Direction is also claimed for grant of furlough .

3. Reasons is given that in the year 2011 when furlough was granted to him he did not turn up on his own and he was required to be arrested and brought to the jail by police after a period of 1043 days. It was submitted that in view of Rule 4(4), 4(6) 4(10) of the Maharashtra (Furlough and Parole) Rules, 1979 the aforesaid decision is taken. The adverse police report is seen by this Court and in the police report only the aforesaid reason is given and said report further shows that on only one occasion he was released on furlough. His mother is ready to stand as surety to the petitioner. In view of these circumstances, this Court holds that the reasons given by the respondent cannot be sustain in law. The application needs to be considered on the basis of his conduct subsequent to his return to jail i.e. after 20.04.2014. In the result, following order :-

ORDER

- I. The petition is partly allowed.
- II. The order passed by the respondent-authority is hereby set-aside.
- III. The application of the petitioner is to be considered in view of the aforesaid observations and decision on it needs to be taken within 14 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.
- VII. The fees of the appointed counsel is quantified @ Rs.3000/ and it is to be paid through the High Court Legal Services Sub Committee, Aurangabad.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/