

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

919 CRIMINAL WRIT PETITION NO.768 OF 2019

Poonam Kantilal Dandhore (C-11321)
 Age Major, Occu. Nil,
 R/o. At present Central Prison, Nashik. .. Petitioner.

Versus

1. The State of Maharashtra
 2. The Superintendent, Central Prison Nashik
 3. Additional D.G.P. And I.G. Prison, Pune .. Respondents

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Ms. Kavita R. Jamdhade, Advocate for Petitioner (Appointed).
 Mr. R. D. Sanap, APP for Respondents/ State.

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**CORAM : T.V. NALAWADE AND
 K.K. SONAWANE, JJ.**
DATE : 7th JUNE, 2019.

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

Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] The present petition is filed challenging the order passed by the respondents, whereby the furlough application filed by the petitioner is rejected.

3] This court has carefully gone through the reasons given for rejection. The only reasons is that there is adverse report. The police report shows that witnesses have taken objection by contending that there may be danger to their life if the petitioner is released on furlough leave.

4] The submissions made on behalf of petitioner show that the petitioner has been behind bars for more than 3 years period and hence, he is eligible for grant of furlough leave. This will be his first time to get furlough leave. Considering the purpose behind furlough leave, only on such police report, furlough leave cannot be rejected. Proper conditions can be imposed to take care of the apprehension expressed by the witnesses. In the result, the following order :-

5] The Criminal Writ Petition is allowed. The order of rejection of application for furlough leave filed by the petitioner is hereby quashed and set aside. The application for furlough stands allowed on usual condition and additional condition may be put to take care of the apprehension expressed by the witnesses. Fees of the learned counsel is quantified at Rs. 3,000/-. Rule made absolute in above terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

grt/