

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

CRIMINAL WRIT PETITION NO.804 OF 2019

Madhav Dnyanoba Pathade,
Age Major, Occu. Convict No. C/10870,
R/o. At present Nashik Road,
Central Prison, Nashik

.. PETITIONER

VERSUS

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

.. RESPONDENTS

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Mr. Sanket S. Shinde, Advocate (Appointed) for Petitioner.
Mr. K. S. Patil, APP for Respondents - State :

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**CORAM : T.V. NALAWADE &
K. K. SONAWANE, JJ.**

DATED : 21th JUNE, 2019.

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

Rule. Rule made returnable forthwith. Heard finally with consent of learned counsels for the parties.

2. The petition is filed by the prisoner, to whom, furlough leave is refused on the ground that there is adverse police report. He has been convicted for the offence of murder and sentenced to suffer imprisonment for life and 10 years imprisonment for causing grievous hurt by dangerous weapon. He is behind the bars since five years and he will be first time released on furlough leave. The reasons given by police is that the complainant has objection to release the petitioner on furlough leave.

3. Only because the objection is taken by the complainant for grant of furlough leave to the petitioner, considering the purpose behind the scheme of furlough and parole, the furlough cannot be refused. This Court holds that the opportunity needs to be granted to the person like petitioner to show that he is no more dangerous to the society. As it is for the first time, the petitioner is to be released on furlough, he needs to be released on furlough on usual terms and conditions.

4. In the result, the Writ Petition is allowed. The application for furlough leave filed by the petitioner stands allowed. The order passed by respondent-authority is quashed and set-aside. The fees of the appointed counsel is quantified @ Rs.3000/- (Rs. Three Thousands Only) and it is to be paid through the High Court Legal Services Authority, Sub-Committee, Aurangabad. Rule made absolute in those terms.

[K. K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

rrd.