

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 806 OF 2019

Sunil Vilas Patil

Age: 25 years, Occ.: Nil,

R/o. : Mangrul, Taluka – Amalner,

District – Jalgaon

At present Nashik Road – Central Prison,

Nashik.

Prisoner No. C-11420.

... Petitioner

Vs.

1. State of Maharashtra
Through, Ministry of Home Department,
Mantralaya, Mumbai.
2. The Deputy Inspector General of Prison,
Aurangabad Central Prison, Aurangabad
3. The Addl. Director of General of Police and
Inspector General of Prison, Pune.
4. The Jail Superintendent Prisoner,
Nashik Road Central Prison, Nashik.
(Copy to be served on its Public Prosecutor
High Court of Judicature of Bombay
Bench at Aurangabad)

... Respondents

Advocate for the Petitioner : Shri. R. A. Karwa (appointed)

Advocate for the Respondent – State : Smt. V. S. Choudhari

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

DATE : 14th JUNE, 2019.

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

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

2] The petition is filed challenging the order by the respondent authority by which furlough leave is refused to the petitioner.

3] Reason given is that there is adverse police report. IN view of Rule 4(4) of the Maharashtra Prison Rules, 1979, furlough leave cannot be granted to him. This court has seen the adverse police report. In the report it is mentioned that during the enquiry, the first informant and his wife objected to the release of the petitioner by submitting that there may be danger to their life.

4] Submissions made show that there petitioner has been behind bars for about 5 years now, and this will be for the first time that he will be released on furlough leave. Considering the scheme and purpose of furlough leave, the objection of the witnesses cannot come in the way of the petitioner for grant of furlough leave. The apprehension of the witnesses can be taken care of by imposing some conditions. This Court holds that opportunity needs to be given to the petitioner to prove that he is not danger to the society. Hence, the petition deserves to be allowed.

5] In the result, the petition is allowed. The order of the respondent rejecting furlough leave to the petitioner is hereby quashed

and set aside. The application for furlough leave filed by the petitioner is allowed. He is to be released subject to usual conditions. Fees of the counsel appointed is quantified at Rs. 3,000/- which is to be paid through the High Court Legal Services Authority, Sub Committee, Aurangabad.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

grt/