

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

CRIMINAL WRIT PETITION NO.809 OF 2019

Nizam Chindu Tadvi

Age : 35 years, occ : nil

At present in Nashik Road

Central Prison, Nashik.

Prisoner No. C-10745.

Petitioner

Versus

1. State of Maharashtra
Through the Additional
Director General of Police
and I.G. (Prison), Pune.

2. Dy. Inspector General of Prison
Office of Dy. Inspector General
of Prison, Aurangabad.

3. The Jail Superintendent
Nashik Central Jail, Nashik.

4. The Senior Police Inspector
Local Crime Branch, Jalgaon.

Respondents

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Mr. Mohit L. Deoda, Advocate appointed for the petitioner.

Mrs. V.S. Choudhari, A.P.P. for the respondents.

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

Dated : 2 JULY 2019.

ORAL JUDGMENT :

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

2. The proceeding is filed to challenge the order made by the respondents by which furlough leave application of the petitioner is rejected. The application is rejected on the ground that there is adverse police report against him. Another reason is given that his conduct inside the jail was not satisfactory. One case under Section 309 of the Indian Penal Code is pending against him. This attempt to suicide was made by him when the police were attempting to arrest him after commission of offence. That happened in the year 2014.

3. The submissions made and the record show that the petitioner has been behind bars as a convict for more than four years and he has become eligible for getting released on furlough leave. This will first time when he will be coming out of the jail on furlough leave. In view of this circumstance, this Court holds that opportunity needs to be given to the petitioner to show that he has improved his conduct. Considering the purpose behind furlough leave, this Court holds that such relief needs to be

granted to him.

4. In the result, the petition is allowed. The order made by the respondents is hereby set aside. The application filed by the petitioner for furlough leave is allowed. He is to be released on furlough subject to usual terms and conditions.

5. Fees of the appointed Counsel is quantified at Rs.3,000/- and it is to be paid by the High Court Legal Services Authority, Sub-Committee, Aurangabad.

6. Rule made absolute in above terms.

(K.K. SONAWANE, J.)

(T.V. NALAWADE, J.)

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