

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.960 OF 2019

Dhananjay S/o Laxman Thorat
(C-2789)

(Through Jail), Nashik Road Central Jail,
Nashik, Maharashtra.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through the Secretary, Home Department,
Mantralaya, Mumbai- 400 302.
2. The Additional Director General of Police,
And Inspector General (Prison)
State of Maharashtra, Pune
3. The Deputy Inspector General (Prison)
Central Region, Aurangabad
4. The Jail Superintendent,
Nashik Central Jail, Nashik.

.. RESPONDENTS

...
Advocate for Petitioner : Through Jail Adv. R.S. Banik
(appointed)
APP for Respondents: Mrs. V. S. Chaudhary
...

**CORAM :T.V. NALWADE AND
K.K. SONAWANE ,JJ.
DATE : 9th JULY, 2019.**

JUDGMENT(PER T.V. NALWADE, J] :-

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

2. The present proceeding is filed to challenge the order passed by

the respondents authority for rejection of furlough application. Reasoning given of adverse police report and also of the circumstance that son of the petitioner is not ready to stand as surety.

3. Though there is aforesaid mentioned in the order and police report, there is affidavit dated 05.01.2019 of petitioner's son and it shows that he was ready to stand as surety. Learned counsel of the petitioner who is appointed by this Court submitted that he had contacted the son of the petitioner and the son expressed that he is still ready to stand as surety if his father is released on furlough. In view of this circumstance, this Court holds that the ground of absence of surety could not have been valid ground. There is other reason given that in the year 2002 when the petitioner was released on furlough he turned up late to jail by 2719 days but that was in the month of April 2010 and since April 2010 till today the petitioner is continuously in jail. His actual undergone period is more than 15 years and 3 months and considering remission period this period comes to more than 22 years. In view of this circumstances, this Court holds that the previous conduct which was of prior to April 2010 cannot become a ground for rejection of the furlough. In the result, following order :-

ORDER

1. The order of respondents are hereby set-aside.
2. The application for furlough is allowed, subject to usual terms and conditions and after given surety by the son of

the petitioner he is to be released on furlough.

3. Rule made absolute in those terms
4. Fees of the learned Advocate Mr. R.S. Banik appointed on behalf of petitioner is quantified as Rs.3,000/- (Rupees Three thousand), which would be payable by the High Court Legal Services Sub Committee at Aurangabad.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/