

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.961 OF 2019

Eknath @ Somnath S/o Bhanudas Kumkar,
Nasik Central Jail
Nashik Convict No. C/11942
At present from 30.06.2019
At Aurangabad Central Jail,
Aurangabad Convict No. C/8907 ..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 -1.
3. The Deputy Inspector General (Prison)
Central Region, Aurangabad
4. The Superintendent Prison
Nasik Central Jail,
Nasik.
5. The Superintendent Prison
Aurangabad Central Jail,
Aurangabad. ..RESPONDENTS

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Advocate for Petitioner : Sandeep D. Ingle (appointed)
APP for Respondents: Mr. S. J. Salgare

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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 for relief of quashing of the order passed by the respondents of rejection of furlough in favour of the petitioner. The submissions made and record show that due to adverse police report the application is rejected and it is also contended that there is nobody to stand as surety.

3. The petitioner has been behind the bars for the offence of murder since 4 years and 3 months. This is first occasion when he will be coming out of jail on furlough. In view of circumstance and as submissions is made by the learned counsel for the petitioner that father-in-law of the petitioner is ready to stand as surety, this Court holds that the application ought to have been allowed and opportunity needs to be given to the petitioner to show that he has improved his conduct. In the result, following order :-

ORDER

1. The petition is allowed. The order passed by the respondents are hereby set-aside.
2. The application filed for furlough is hereby allowed.
3. He is to be released on furlough on usual terms and conditions and his father-in-law can be accepted as surety.

4. Rule made absolute in those terms.
5. Fees of the learned Advocate Mr. S.D. Ingle 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/