

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.962 OF 2019

Amol S/o Dattarao Choudante
Age : Major, Convict No. C/11569
Lodged at Nashik Road Central Prison,
Nashik Dist. Nashik

... PETITIONER

VERSUS

1. The State of Maharashtra
2. Dy. Inspector General (Prison),
Central Region, Aurangabad
3. Inspector General (Prison),
Pune, Maharashtra State.
4. Superintendent of Jail,
Nashik Road, Central Prison,
Nashik
5. The Superintendent of Police,
Nanded, Dist. Nanded

.... RESPONDENTS

...
Advocate for Petitioner : Through Jail Adv. Shaikh Wajeed Ahmed
(appointed)
APP for Respondents: Mr. A.S. Shinde
...

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. Present proceeding is filed for relief of quashing of order made by the respondents for rejection of furlough application. The submissions made and record show that the reason of adverse police report is given and there is additional reason that surety offered by the petitioner may not be able to control him as he his resident of another place.

3. The submissions made and record show that the petitioner/accused is behind the bars for more than 4 years 11 months from the date of conviction. It will be his first time to come out of jail on furlough leave. This Court holds that the opportunity needs to be given to him to show that he has improved the conduct. The reason given that surety may not be able to control to the petitioner cannot be accepted before giving opportunity to the petitioner and surety. So the following order. :-

ORDER

1. Petition is allowed.
2. The order made by the respondent of rejection of furlough is hereby set-aside.
3. The application filed for furlough is allowed.
4. He is to be released on furlough subject to usual terms and condition and by accepting surety offered by him.
5. Rule made absolute in those terms

6. Fees of the learned Advocate Mr. Shaikh Wajeed 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/