

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 963 OF 2019

Mohammad Navid Mohammad Salim,
(Convict No. 8843), Central Prison,
Aurangabad.

....Petitioner.

Versus

The State of Maharashtra

....Respondents.

Mr. R.A. Jaiswal, Advocate for petitioner (through Jail).

Mr. K.S. Patil, APP for respondent/State.

**WITH
CRIMINAL WRIT PETITION NO. 998 OF 2019**

Mohd. Navid s/o. Mohd. Salim,
(C- 8843), Central Prison,
Aurangabad.

....Petitioner.

Versus

1. The State of Maharashtra
Through I.G., Prison, Pune.

2. The State of Maharashtra,
Through D.I.G., Prison,
Aurangabad.

3. The State of Maharashtra,
Through Superintendent,
Central Prison, Aurangabad.

....Respondents.

Mr. R.A. Jaiswal, Advocate for petitioner (through Jail).

Mr. K.S. Patil, APP for respondents.

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.
DATED : 25/07/2019.**

ORAL JUDGMENT :

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

2. Both the proceedings are filed to challenge the same order viz. the order made by respondent by which furlough leave is refused to the petitioner. One matter was sent through jail and other matter is filed by counsel appointed by the prisoner. The order made by the respondent show that there is adverse police report. The reasons are given that there is possibility of commission of offence by the prisoner and in election period also he may commit some offence. The order was made on 4th January 2019. The elections are over. His father is ready to stand as surety for him. He is going to be released first time on furlough leave. In view of these circumstances, the reasons given by the respondent cannot sustain and this Court holds that opportunity needs to be given to the petitioner to show that he has improved his conduct and he is no more danger to the society. In the result, the petition is allowed. The order of respondent of rejection of furlough leave of petitioner is hereby set aside. The petitioner is to be released

on furlough leave on usual terms and conditions by accepting surety which his father is giving. This is to be done within 15 days from today.

3. The petition filed by the counsel is considered and other matter is disposed of.

Rule is made absolute in those terms.

Authenticated copy is allowed to both.

[K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/