

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

Criminal Writ Petition No.1112 of 2019

* Sunil s/o Gangadhar Kokate
(C-8822), Central Prison,
Aurangabad. **.. Petitioner.**

Versus

- 1) The State of Maharashtra
Through D.I.G. Prisons,
Aurangabad.
- 2) The State of Maharashtra
Through Superintendent
Central Prison, Aurangabad. **.. Respondents.**

Shri. Rupesh A. Jaiswal, Advocate, for petitioner.

Shri. R.D. Sanap, Additional Public Prosecutor, for
respondent Nos.1 and 2.

**Coram: T.V. NALAWADE &
K.K. SONAWANE, JJ.**

Date: 1st AUGUST 2019

ORAL JUDGMENT (Per T.V. Nalawade, J.):

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

2) The proceeding is filed for setting aside the order made by respondent No.1 by which the application for furlough came to be rejected. The submissions made and the record show that two reasons are given for rejecting the application as under : (1) there is adverse police report that the witness and the first informant apprehend threats to their life and (2) the surety will not be able to control the petitioner.

3) The submissions made and the record show that the petitioner has been behind the bars since the year 2013. This will be the first time for the petitioner to get furlough. The submissions made show that the petitioner will be living at village Kasrave, Tahsil Biloli, District Nanded and this place is far away from Nanded where the informant and the witnesses are living. Learned counsel for the petitioner submitted that the petitioner undertakes not to go to Nanded during the furlough leave.

4) Considering the object behind the furlough this Court holds that opportunity needs to be given to the petitioner to show that he has improved himself and he is

no more danger to the society. This Court holds that the reasons given by the respondent authority cannot sustain in law.

5) In the result, the petition is allowed. the order made by the respondent rejecting the application is set side. The application filed for furlough is allowed subject to usual conditions. The petitioner be released on furlough. The surety given by the father of the petitioner is to be accepted. This is to be done within 15 days from today. Rule made absolute in those terms.

Sd/-
(K.K. SONAWANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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