

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

Criminal Writ Petition No.1443 of 2019

* Sunil s/o Ganpati Jyoti,
Age 35 years,
Occupation : Nil,
R/o Aalur, Taluka Omerga,
District Osmanabad
At present is at Nasik Central Jail,
As Prisoner No.C/9671,
Nashik Road Central Jail Nashik. .. **Petitioner.**

Versus

- 1) The State of Maharashtra
Through Secretary in
Home Department,
Mantralaya, Fort, Mumbai.
- 2) The Superintendent of Jail,
Nashik Road Central Jail,
District Nashik.
- 3) The Sub Divisional Police Officer
Sub Division at Omerga,
Taluka Omerga, Dist Osmanabad.
- 4) The Deputy Inspector General of
Prison, Central Department,
Aurangabad.
- 5) The Additional Director of Police
& Inspector General of Police,
Maharashtra State, Pune. .. **Respondents.**

Shri. Hanumant M. Somwanshi, Advocate, for petitioner.

Smt. D.S. Jape, Additional Public Prosecutor, for
respondents.

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

Date: 19 SEPTEMBER 2019

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

1) Rule. Rule made returnable forthwith. Heard both the sides, by consent, for final disposal.

2) The proceeding is filed for relief of quashing of the order made by the respondent by which the application given for furlough came to be rejected. The submissions made and the record show that the petitioner is convicted for offence punishable under section 302 of the Indian Penal Code and he has been behind the bars for more than three years. This will be his first release on furlough. The application is rejected on the ground that there is adverse police report. Adverse police report is to the effect that the witnesses have objection for the release of the convict. Considering the purpose behind furlough, opportunity needs to be given to the petitioner to show that he has improved himself and he is no more danger to the society. Such opportunity needs to be given to him and so the order needs to be set aside.

3) In the result, the petition is allowed. The impugned order is set aside. The application for furlough is allowed. The petitioner is to be released on furlough on usual conditions. Rule is made absolute in those terms. Fees of the learned counsel appointed for the petitioner is quantified at Rs.3,000/- to be paid by the High Court Legal Services Sub Committee Aurangabad.

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

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

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