

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 1672 OF 2019

Babu S/o Dashrath Kalwane (C-8741)
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**

...
Mr. Rupesh A. Jaiswal, Advocate for Petitioner.

Mr. A. R. Kale, APP for Respondents.
...

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

DATE : 17th October, 2019.

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

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

2 The proceeding is filed for quashing and setting aside the order made by the Respondents by which furlough leave application filed by the Petitioner, prisoner is rejected. Reason is given that there is an adverse police report. The learned APP submitted that there is one more reason that the co-accused, who was released on furlough leave, did not turn up to jail and he is absconding.

3 The submissions made show that on all the previous occasions when the Petitioner was released either on parole or furlough, he returned to jail in time on his own. Considering the scheme of furlough leave and the object behind it, this Court holds that the aforesaid grounds cannot come in the way of the Petitioner to avail the benefit of the scheme. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. The order of rejection of furlough leave application is hereby set aside.

III. The Petitioner is to be released on furlough leave within 15 days from today on usual terms and conditions.

IV. Rule is made absolute in those terms.

[K. K. SONAWANE, J.]

[T. V. NALAWADE, J.]

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