

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

CRIMINAL WRIT PETITION NO. 1692 OF 2019

Suleman S/o Moinuddin Shaikh (C-5084)
Open Prison, Paithan

.... Petitioner

VERSUS

1. The State of Maharashtra
Through D.I.G.
Prisons, Pune.
2. The State of Maharashtra
Through Superintendent,
Open Prison Paithan

... Respondents

Mr. Rupesh A. Jaiswal, Advocate for the petitioner
Mr. D. R. Kale, APP for the respondents/State.

**CORAM : T. V. NALAWADE &
S.M. GAVHANE, JJ.**

DATED : 05-11-2019

ORAL JUDGMENT (PER T. V. NALAWADE, J.):

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties for final disposal.
2. The present proceeding is filed to quash and set aside order of respondent authority by which the application made for furlough leave by the petitioner came to be rejected. The rejection is on the ground like adverse police report. Submissions made show by the

petitioner is convicted for the offences punishable under Sections 302, 149 of the Indian Penal Code. He has been behind the bar for 10 years. This is the first occasion when he will be coming out of jail on furlough leave. In the adverse police report there is a apprehension mentioned that in case of his release there will be quareel between the witnesses who had given evidence against the petitioner and the petitioner and there will be danger to the life of the witnesses.

3. The purpose of the furlough leave is to give an opportunity to the prisoner to mix in the society. In almost every case the witnesses oppose such release on aforesaid grounds. If on such grounds furlough leave is rejected then the purpose of furlough leave itself will be defeated. Aforesaid ground cannot be sustain in law. Opportunity needs to be given to the petitioner to show that he has improved his conduct and he is no more danger to society. So following order.

4. The petition is allowed. The order made by respondent on furlough leave application is hereby set aside. The furlough leave application is hereby allowed.

5. The petitioner is to be released on furlough leave on taking personal bond and surety of Rs. 15000/- and by imposing usual

conditions. Rule made absolute in those terms. This is to be done within 15 days from today.

[S.M. GAVHANE, J.]

[T. V. NALAWADE, J.]