

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

CRIMINAL WRIT PETITION NO. 1818 2018

Sunil @ Appa Nimba Patil,
Age 35 years, occ. Nil. Convict
No. 10815. R/o. at Mukati Tq.
& Dist. Dhule. At Present in
Central Prison Nashik, Dist.
Nashik.

... **Petitioner.**

VERSUS.

1. The State of Maharashtra.
2. The Dy. Inspector General of
Central Prison, Aurangabad.
3. The Inspector General of Prisons,
Maharashtra State Pune.
4. The Superintendent of Central Jail
Prison, Nashik, Dist. Nashik

... **Respondents.**

...

Mr. Gunjal Bharati B., Advocate for petitioner.
Mr. S. J. Salgare, A.P.P. for respondents.

**CORAM : T.V. NALAWADE &
MANGESH S. PATIL, JJ.**

DATE : 20th MARCH, 2019

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

1. Heard.
2. Rule. Rule is made returnable forthwith. With the consent of the parties, matter is taken up for final hearing at the stage of admission.
3. The petitioner is a prisoner sentenced with imprisonment for life for commission of the offences punishable under section 302, 307, 147 etc.

of the Indian Penal Code. He has been behind bar since 29.01.2014. His application filed for furlough is rejected as the original complainant has given objection and on that basis the concerned police station has also taken objection. Considering the purpose behind the scheme of furlough this Court holds that only on this ground the application could not have been rejected. This will be his first time release on furlough and so the chance needs to be taken. Considering the object behind furlough this Court holds that the order made on aforesaid ground cannot sustain in law. So the order under challenge is set aside. The Authority is expected to reconsider. Considering the matter, again it will be open to the Authority to put appropriate conditions for granting furlough leave. This is to be done within one month from today.

4. With these observations petition is allowed.
5. Rule made absolute.

(MANGESH S. PATIL, J.)

(T.V. NALAWADE, J.)

mkd