

IN THE HIGH COURT OF BOMBAY AT GOA.**CRIMINAL WRIT PETITION NO. 226 OF 2018.**

Shrikant John Mane, Aged 51 years
old, Prisoner No.253/16, Presently
serving sentence at Modern Central
Jail, Colvale, Goa.

..... Petitioner.

Versus

- 1) The Inspector General of
Prisons, 18th June Road, Old
Education Building, Panaji Goa.
- 2) Public Prosecutor, High Court
building, AG's office, High Court,
Panaji Goa.

..... Respondents.

Mr. T. George John, Advocate for the petitioner.

Mr. P. Faldessai, Additional Public Prosecutor for the respondents.

**Coram:- M. S. Sonak &
Prithviraj K. Chavan, JJ.
Date:- 14th January, 2019.**

ORAL JUDGMENT (Per M. S. Sonak, J.)

Heard Mr. T. George John, learned Counsel appearing for the
petitioner and Mr. P. Faldessai, learned Additional Public Prosecutor
appearing for the respondents.

2. Rule. With the consent of and at the request of the learned
Counsel for the parties, Rule is made returnable forthwith.

3. The challenge in this petition is to the order dated 6.12.2018 by which the petitioner's application for furlough came to be rejected.

4. The ground for rejection expressed is that the petitioner may interfere with the victim and the witnesses. The apprehension is also expressed that the petitioner may abscond, if released on furlough.

5. The nominal roll placed on record indicates that the petitioner was in fact released on parole for the period between 25.1.2017 and 7.2.2017 and on furlough for the period between 15.12.2017 and 4.1.2018. There were no complaints of breach of the terms subject to which parole and furlough was granted to the petitioner. The respondents have not substantiated the basis upon which such apprehension is expressed. No weightage is given to the circumstance that on two previous occasions, the petitioner was infact released on parole and furlough. On these occasions there were no complaints of any untoward incident like the petitioner threatening the victim or the witnesses.

6. Taking into consideration the aforesaid circumstances, the

impugned order is quashed and set aside. The respondents are directed to release the petitioner on furlough subject to usual terms and conditions. An formal order in this regard be made within a period of two weeks from today.

7. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

8. Authenticated copy of this order be expedited.

PRITHVIRAJ K. CHAVAN,J.

M. S. SONAK, J.