

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.687 OF 2019

Dhairyasheel Sampatrao Kamble ...Petitioner

vs.

The State of Maharashtra ...Respondent

Ms.Kalpana P. Kharate for the Petitioner.

Mr. J. P. Yagnik APP for the Respondent.

**CORAM : B. P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : 02/04/2019.

P.C.:

. Heard learned counsel(appointed) for applicant and learned APP. Perused the records. By impugned order dated 15/10/2018 furlough leave is declined on the ground that when he was released in 2016 on furlough he did not report, was required to be arrested and brought back after delay of about 18 days. Criminal case under section 224 of IPC was therefore registered against him.

2. We find that on 10/10/2018 even parole was rejected on the same ground. The details made available by respondent and explained by learned APP reveal that he is in prison since 12/1/2009 and has put in about 10 years in prison. He was first released on furlough on 28/6/2011 and he reported on due date. He was to be released again in the year 2013 but he did not avail that leave and did not go out of prison. On 5/2/2016 when he was released, he did not report on 4/3/2016 and was required to be arrested. Police brought him back on 23/3/2016 and that there was delay of about 18 days. He did not get any furlough leave thereafter and it

has been rejected on 20/3/2017 and thereafter on 26/10/2017.

3. Similarly he was released on parole leave on 6/3/2013 and did not report back on due date. He returned back voluntarily on 5/7/2013 with delay of about 30 days. Thereafter parole leave has been rejected on 22/7/2014, 10/6/2015, 14/1/2016 and 7/3/2018.

4. Thus, while on parole he has reported back voluntarily after delay of 30 days. He went out on 6/3/2013 and reported back on 5/7/2013. On first occasion in 2011 he has reported back on due date. He has not availed second furlough leave and while he was on furlough leave on third occasion, police went and arrested him after 18 days only.

5. The material on record therefore does not show that applicant had exhibited any tendency of absconding. Respondent can obtain appropriate bonds from applicant and his relatives and also impose suitable terms and conditions to see that he does not go out of the particular area or resides at given address during the period of leave and verify regularly his stay by making attendance.

6. We therefore quash and set aside the impugned order and direct respondent to grant him furlough leave after obtaining necessary bonds and undertaking from him and his relatives.

7. The petition is thus partly allowed on the aforesaid terms.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)