

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2567 OF 2019

Philip Simone	... Petitioner
Vs.	
The State of Maharashtra	... Respondent

Shri Shashikant D. Chandak, advocate for the petitioner.
Shri H. J. Dedhia, APP for the respondent – State.

CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA S. JOSHI, JJ.

DATE : 5th AUGUST 2019.

P.C. :

1. Prisoner, who is sentenced to maximum imprisonment of 5 years on 03/01/2017, has been denied furlough leave on the ground that he is accused in similar case in Special ACB Case No. 26 of 2005 and adverse police report. Police apprehends that he may not return back once released.
2. After hearing, we find that during trial of Special Case No.74 of 2004 he was on bail. He has been also granted bail in Special ACB Case No.26 of 2005.
3. After 03/01/2017, he has not been released at all.
4. Hence, there is no basis for adverse police report or apprehension that prisoner may not return back to jail. It is always open to respondent to impose appropriate terms and conditions for securing his return or his

attendance at a particular police station, while on leave.

5. We, therefore, quash and set aside the impugned order and direct the authorities to pass suitable orders permitting him to avail furlough leave within 4 weeks after this order is communicated to the authority.

6. This order be served on prisoner in jail.

7. Writ Petition is disposed of.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)