

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

WRIT PETITION NO.3825 OF 2019

Sanjay Bapuso Sasane ... Petitioner
Vs
The State of Maharashtra & Ors. ... Respondents
...
Ms. Nasreen Ayubi for the Petitioner.
Mrs. M.H.Mhatre, APP for the Respondent-State.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**
DATE : OCTOBER 14, 2019

P.C. :

*Heard learned counsel appointed and the learned
APP for the State.*

2 *Furlough leave has been rejected on the ground
of constant late/belated surrender. This order of rejection
dated 28th January, 2019 is upheld in appeal on 3rd May,
2019.*

3 *We have heard the learned APP.*

4 *Perusal of nominal note produced by the learned
APP at Exhibit 'A' reveals that in 2011 prisoner has reported
himself but late by 45 days. In 2013, he was late by 35*

2019.odt

days. Thereafter, in 2014, he was late by 35 days. Thereafter in 2014, he was late by 92 days. In 2016 furlough was declined. On 3rd February, 2017, death parole was allowed and he reported back on due date. In 2018 marriage parole was given and he reported late only by one day.

5 It appears that in 2018, he was also given furlough leave and he has reported back on 10th March, 2018, i.e. after delay of one day only.

6 For earlier belated returns, he has been already punished by ordering cut in remission.

7 Facts at hand shows that he has reported back voluntarily on each occasion in 2018. He got parole as also furlough, which he has reported back one day late on both the occasions.

8 In this situation, we are inclined to allow the petitioner to avail furlough leave after imposing suitable terms and conditions including Undertaking that he would report back on due date

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9 *Accordingly, we partly allow the petition.*

10 *Petitioner shall be permitted to avail furlough
leave within four weeks after communication of this order
to the authorities.*

Order be communicated to the prisoner in jail.

(SANDEEP K. SHINDE, J.) (B.P.DHARMADHIKARI, J.)