

27.8.2019

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3837 OF 2019

Sachin Bhimrao Jumanalkar ...Petitioner

V/s.

The State of Maharashtra

and Ors.

....Respondents

Mr. Harjeet Kaur, Advocate for the petitioner.

Mr. H.J. Dedhia, APP for the respondent-State.

CORAM : B.P. DHARMADHIKARI, &

SANDEEP K. SHINDE, JJ.

Tuesday, 27th August, 2019.

P.C. :

1. Heard learned Counsel for the petitioner
and learned APP.

2. Perused the earlier order dated 4th

January, 2019 in Criminal Writ Petition No. 5688 of 2019 and impugned order dated 4th February, 2019.

3. Impugned order does not contain reference to any event which may have transpired after 4th January, 2019. Thus, all documents referred to therein have already been looked into by this Court in its order dated 4th January, 2019. In that order in para-5, this Court has found that Rule 4(4) of the Prisons (Bombay Furlough and Parole) Rules, 1959 is not attracted. In paras-6 and 7, there are similar observations in relation to Rule 4(6) and Rule 4(10).

4. In para-8 on conduct of petitioner, on adverse police report, again this Court has recorded a finding that material on record did not support invoking Rule 4(6).

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5. These grounds find our mention in impugned order. Apart from this, only additional material looked into, is Crime-31 of 2014 under Section 224 Indian Penal Code. It appears that, when prisoner was released prior to 2014, he overstayed and because of that overstay, offence under Section 224 Indian Penal Code has been registered. That case is still pending.

6. Nominal note handed over to this Court today by the learned APP shows that, after his last release on 21st July, 2014, he was never released. He was released initially in January, 2010 and thereafter in October, 2012. On all three occasions, he was required to be arrested and brought back.

7. In this situation, in the light of earlier

order of this Court dated 4th January, 2019, we find denial of furlough, unsustainable.

8. The respondents can always obtain necessary sureties, bonds and undertakings and also impose suitable conditions to see that petitioner does not abscond and reports back to prison on due date.

9. We therefore direct respondents to obtain necessary undertaking, bonds and sureties and to release him on furlough within six weeks after receipt of this order by them.

10. Petition is thus partly allowed and disposed of.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)