

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

WRIT PETITION NO.4122 OF 2019

Satish Rama Bhojane

... Petitioner

Vs

The State of Maharashtra

... Respondent

...

Mr. Aditya Bapat for the Petitioner.

Mrs. M.H.Mhatre, APP for the Respondent-State.

CORAM : B.P.DHARMADHIKARI &

SANDEEP K. SHINDE JJ.

DATE : AUGUST 20, 2019

P.C. :

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

2 We need not dwell more on facts as this is second round. In the first round on 20th March, 2019, this Court partly allowed the Writ Petition No.232 of 2018 filed by this prisoner and directed the Appellate Authority to pass fresh orders. One of us (B.P.DHARMADHIKARI, J.) was party to that order. Fresh order is, accordingly, passed by the Appellate Authority on 16th April, 2019. Three instances of late reporting mentioned by this Court in its

order dated 20th March, 2019 also figure in the impugned order. Thus, on the basis of very same material, furlough has been again rejected.

3 Facts show that in 2003, he was arrested and brought back after 330 days. Despite this, he was again released in 2003 itself and then was brought back after arrest on 15th July, 2010. Thus, he was absconding for about six years, nine months and thirteen days.

4 In the face of this conduct, authorities against released him on parole on 11th April, 2013. It appears that he got parole extended but then reported back twenty-two days after expiry of that extended period. However, on this occasion, he has reported back voluntarily.

5 Thus, his previous conduct of not reporting on due date for 330 days or for a period in excess of 6 years and 9 months gets eclipsed due to his last release. Authorities while releasing him on 11th April, 2013 did not find said conduct material.

6 Had he intention to abscond, he would not have reported back even in 2013. For this late reporting, punishment of cut in

remission of 5 days for each day of late return, i.e., total of 110 days is inflicted upon him.

7 We, therefore, find material on record insufficient to conclude that prisoner has shown the tendency to abscond.

8 Authorities can always obtain proper sureties, impose suitable terms and conditions to monitor his stay in particular locality and ask him to report at the specified police station at regular intervals.

9 We, therefore, quash and set aside the order dated 16th April, 2019 and direct respondents to release him on furlough after obtaining suitable bonds and sureties.

10 This order be complied with within six weeks of its receipt.

11 The order be communicated to the prisoner in jail.

12 Petition is disposed of.

(SANDEEP K. SHINDE, J.)

(B.P.DHARMADHIKARI, J.)