

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 27 OF 2018

Prajakta Sham Shelar. ... Petitioner.  
V/s.  
The State of Maharashtra and others. ... Respondents.

Through Jail.  
Ms.P.P.Shinde, APP for the respondent- State.

CORAM : A.S.OKA AND A.S.GADKARI, JJ.

DATE : 18<sup>th</sup> January 2019

P.C.:

Rule. The learned APP waives service for the respondent-State. Forthwith taken up for final disposal.

2. The application made by the petitioner for grant of furlough under the Prisons (Bombay Furlough and Parole) Rules, 1959 (for short “the said Rules”) has been rejected by the Competent Authority on two grounds. One is disqualification under sub-rule (4) of Rule 4 and second is under sub-rule (11) of Rule 4 of the said Rules. As far as sub-rule (11) of Rule 4 is concerned, the same has been deleted by the notification dated 16<sup>th</sup> April 2018. As far as disqualification under sub-rule (4) of Rule 4 is concerned, there is no material on record to show that the release of the petitioner will affect public peace and tranquility. The

report of the Jail Authorities records that on three occasions in the past, the petitioner was released on furlough and she surrendered within time.

3. Hence we pass the following order:

- (i) The impugned orders dated 6<sup>th</sup> May 2017 and 3<sup>rd</sup> November 2017 are hereby quashed and set aside;
- (ii) We direct the Competent Authority to consider the case of the petitioner afresh for grant of furlough on its own merits and without being influenced by the impugned orders;
- (iii) Appropriate order shall be passed by the Competent Authority within a period of two weeks from the date on which a copy of this order is supplied to the Competent Authority. We make it clear that the application shall be decided in terms of amendment dated 16<sup>th</sup> April 2018 carried out to the said Rules.
- (iv) Rule is made absolute on the above terms. Petition is disposed of.

(A.S.GADKARI, J.)

(A.S.OKA, J.)