

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.766 OF 2019

Shankar Mahendra Gogati (Bogati)

Petitioner

versus

The State of Maharashtra

Respondent

Mr.Abhishek M. Sing for petitioner (Legal Aid Advocate)
Mrs.M.H.Mhatre, APP, for State.

CORAM : B.P.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 19th March 2019

PC :

1. The petitioner is in jail since last about twelve years and has not been released even once either on parole or furlough. His request for furlough has been rejected on 3rd January 2019 by authorities on the ground that he and his guarantor are natives of Nepal and there is no likelihood of his returning back to prison once he is permitted to leave it.

2. We have perused the records with the assistance of learned counsel for petitioner and learned APP. The records show that the petitioner has got Aadhar Card. Learned counsel appointed for petitioner, on instructions, states that the petitioner has family and his wife is currently residing at Bhayander and his minor children are attending school. Earlier he was residing in Khar area and his guarantor resides at Bhayander. Police report shows that the guarantor has got immovable property at Bhayander.

3. In the situation, we are inclined to give the petitioner one more opportunity to place necessary documents and data to show that he is an Indian citizen. He can, in addition, furnish as guarantor any of his neighbours or friends who are citizens of India.

4. Without observing more and only because he has continued in jail for over twelve years, we are inclined to extend him this opportunity. If petitioner furnishes necessary documents and data within four weeks from today, the authorities shall reconsider his request for furlough in accordance with law within next four weeks.

5. With these directions, we partly allow the writ petition and dispose off the same. No costs.

(PRAKASH D. NAIK, J.)

(B.P.DHARMADHIKARI, J.)

MST