

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

WRIT PETITION NO.1581 OF 2019

Mangesh Devidas Jadhav

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

.....

Mr.Raju D. Suryawanshi, Advocate for the Petitioner.

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

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

DATE : APRIL 18, 2019.

P.C.:

As learned APP has necessary instructions, we heard the matter finally. Petitioner is in jail since 25th July, 2014 for offences punishable under Sections 302, 324, 201, 143, 144, 146 to 149 of Indian Penal Code. He has not been released either on parole or furlough thereafter.

2 His first furlough has been rejected on 30th June, 2018, on the ground that his appeal against conviction is pending. He filed Appeal against it and that Appeal has been dismissed on 25th July, 2018, on the ground of adverse police report.

3 Adverse police report mentions some abuses and threatening to witnesses during trial. The judgment has been delivered on 23rd January, 2018 and police report on furlough application is dated 1st May, 2018.

4 Thus, after judgment of conviction, the petitioner has not been released at all.

5 Respondents can always impose appropriate terms and conditions on prisoner, as also his sureties/relatives to see that the prisoner behaves properly. They can also direct him to mark his attendance regularly at a particular police station.

6 We, therefore, find rejection of furlough unsustainable in law. The impugned orders are therefore quashed and set aside. We direct respondents to obtain appropriate bonds and undertaking from the petitioner, his sureties and to release him on furlough leave within three weeks from today. Writ petition is thus partly allowed and disposed of.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)