

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

WRIT PETITION NO.1589 OF 2019

Sarjerao Sonaji Unhale

...Petitioner

vs.

The State of Maharashtra

...Respondent

Ms.Rushita Jain for the Petitioner.

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

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

DATE : 2/05/2019.

P.C.:

. Heard learned counsel (appointed) and learned APP. Learned APP has made available records of respondent for our perusal.

2. Applicant is in prison since 2015 and has been sentenced to life imprisonment. He has not been released either on parole or furlough at any time.

3. His request for furlough has been turned down due to adverse police record.

4. According to records of respondent, witnesses examined during trial apprehend danger to their safety and hence the possibility of the petitioner indulging in another offence cannot be ruled out.

5. The petitioner states that complainant or witnesses in the matter are from Nashik while he and his family reside at Jalana District. As

such the petitioner states that he shall not visit Nashik or place where the witnesses reside. Learned counsel further states that the petitioner has also undertaken to report to local police Station once every day during furlough leave.

6. It appears that apprehension is only based upon the threat perception of witnesses and there is no other criminal record against the petitioner. He has given proper security/surety. Hence after imposing appropriate conditions he can be released on furlough leave as per law. However, during said period he shall not either directly or indirectly communicate with complainant or any of the witnesses and shall not leave the place where he would be residing at Jalana. He shall also mark his attendance at such time as the authorities may direct in local police station once in every day.

7. Authorities shall impose appropriate conditions obtain necessary bond, surety and thereafter shall release him to avail furlough leave. This order shall be complied with within a period of two weeks from today. The petition is accordingly allowed and disposed of.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)