

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1993 OF 2019

Ramchandra @ Ram Mevalal Yadav ... Petitioner

Versus

State of Maharashtra ... Respondent

None for the Petitioner.

Mr. V.V. Gangurde, APP for the respondent State.

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

DATE : APRIL 23, 2019

P.C.:

Prisoner in jail has forwarded the application for his release on furlough leave. His application for furlough has been rejected on 20/11/2018 and appeal preferred against it has been rejected on 2/2/2019. Learned APP points out that the police report is adverse and petitioner may bring pressure on the witnesses. The surety proposed is brother of the petitioner and not fit to control his movements.

2. The adverse police report is dated 26/4/2018 and it appears that the police machinery apprehends danger to the witnesses who have deposed in trial against the petitioner.

3. The application sent by the petitioner on 25/3/2019 shows that during the trial he was out on bail for the period of about 30 months and at that time he has not done anything wrong. He also pointed out that the co-convicts namely Roshan Thakur and Rahim Khan have been released on furlough on four occasions and they have also returned back. He has also submitted that his brother has given necessary undertaking and bond.
4. The material on record therefore does not show any basis for the apprehension to the life or safety of the witnesses. During trial, petitioner has not created any such problem. His co-convicts have been permitted to proceed on furlough.
5. We therefore, find the impugned rejection unsustainable. It is quashed and set aside.
6. We direct the respondents to pass appropriate orders within three weeks releasing the petitioner on furlough after executing necessary bonds and after furnishing surety.
7. Petition is accordingly allowed and disposed of.
8. Order be communicated to the prisoner in jail.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)