

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2246 OF 2019

Pravin Sheshdhar Mishra ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Adv Nasreen Ayubi i/by Mrs. Aisha Ansari for the petitioner.

Smt. S.D.Shinde, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.
DATE : NOVEMBER 27, 2019

P.C.:

Perused the orders dated 27/9/2018 rejecting the furlough leave and appellate order dated 28/12/2018 upholding the same.

2. After hearing the counsel for the petitioner and learned APP we do not find any specific material in the communication dated 11/8/2018 sent by the Police Superintendent, Thana-Nagar, Janpath Basti, UP. The said letter mentions that it is not possible to state anything on the possibility of breach of peace by the petitioner after his release on furlough. This inability or refusal to comment does not mean that the report is adverse.

3. Learned APP during arguments has invited our attention

to the fact that the sureties offered by the prisoner are from Basti (UP) only. It appears that the prisoner hails from the said area and if furlough leave is granted, he desires to stay in that city only.

4. It is open to the respondents to obtain appropriate sureties to see that he returns back on due date. They can also impose appropriate terms and conditions including requirement of his attendance in any particular police station.

5. As the rejection is only on account of adverse report, we find both the orders unsustainable. The same are accordingly quashed and set aside. Respondents to pass fresh orders in accordance with law within next four weeks.

6. Learned counsel upon instructions states that the prisoner has lost his grand mother on 20/11/2019 and hence he may be released earlier. It is open to the authorities to consider this event and pass appropriate orders at the earliest.

7. With these directions, Petition is disposed of.

(SMT. SADHANA S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)