

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

WRIT PETITION NO.2542 OF 2019

Raju Vitthal Bhadre

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Mir Nagman Ali for the Petitioner.

Mr. Arfan Sait, APP for the Respondent/State.

Mr. Prashant M. Nagawade, Jailor, Nashik Road Central Prison.

**CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.
DATE : 16/07/2019.**

P.C.:

. Heard advocate Ali for the petitioner and learned APP for the Respondent. We do not find it necessary to dwell on facts. Furlough application moved sometime in July 2018 by the present petitioner has been rejected by order dated 5/12/2018 basically on the ground that there is adverse police report.

2. Learned APP has pointed out that the petitioner has been released on parole leave on 12/7/2019 and as such he cannot now be released on furlough leave for a period of 6 months after his return from parole leave.

3. Learned counsel for the petitioner disputes this. He submits that there is no bar for grant of furlough leave after return from parole and it can be granted at any time.

4. Learned APP has also invited our attention to the fact that on

10/7/2019 the petitioner has again applied for furlough leave.

5. Learned counsel for the petitioner in this situation states that the present petition should be kept pending and it should be considered after the occasion therefor arises.

6. Release of prisoner on parole leave on 12/7/2019 derogates with the reasons recorded in the impugned order. Adverse police report therefore cannot be seen to be a valid reason.

7. We therefore quash and set aside impugned order dated 5/12/2018 as also appellate order dated 2/4/2019.

8. The request for furlough made in July 2018 and fresh application moved on 10/7/2019 can be considered by respondent as per law after return of the petitioner from parole. Hence, keeping all contentions of the parties open and with liberty to the petitioner to approach this Court again in the matter if any cause of action arises, we dispose of the writ petition.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)