

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

WRIT PETITION NO.2884 OF 2019

Deepak Ishwar Omprakash Piwal ...Petitioner

vs.

The State of Maharashtra ...Respondent

Ms. Ragini Ahuja for the Petitioner.

Mr. J. P. Yagnik, APP for the Respondent/State.

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

P.C.:

. Petitioner in jail since 2011 is convicted under sections 302 read with 34 of IPC and under section 37(1) and 135 of Bombay Police Act.

2. Furlough leave has been declined on the ground that he is undergoing imprisonment for grave offences and there is every likelihood of his tampering with or threatening witnesses and absconding, second ground given is surety offered is himself on bail in Crime No.140/2013.

3. We have heard respective counsel. We find that surety offered by the present petitioner is on bail in Crime No.140/2013 for offence under section 324 of IPC. However, to avoid any complications the petitioner has offered to submit an additional surety.

4. The conviction under above sections does not bar the prisoner from seeking furlough or parole. Therefore the reason that he has been convicted for grave and serious offence is unsustainable. Since he is never

released either on furlough or parole, likelihood of his absconding or threatening the witnesses is again not substantiated.

5. In this situation, we find the petitioner entitled to furlough leave. However the petitioner shall submit fresh surety or additional surety to the satisfaction of respondent. If such surety is furnished within a period of two weeks from today, the respondent shall pass suitable orders in this respect within next three weeks.

6. With the aforesaid directions we partly allow the petition. No costs.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)