

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

WRIT PETITION NO.2886 OF 2019

Ibrahim @ Ibbu Aminoodin Shaikh

...Petitioner

vs.

The State of Maharashtra

...Respondent

Mr. Mangal K. Patil for the Petitioner.

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

Mr. P. M. Nagawade, Jailor, Nashik Jail.

**CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.**

DATE : 22/07/2019.

P.C.:

. Furlough has been declined on the ground that if released, the petitioner who stays in sensitive slum area may not return back. The petitioner earlier has offered his father as surety and thereafter his mother. Police report is adverse on account of apprehension mentioned supra.

2. After his conviction he has not been released at all. Even during trial he was not on bail.

3. Thus, merely because the petitioner happens to be from sensitive slum area the furlough has been rejected. The conviction is under sections 302 r/w 149, 143, 147 and 386 of IPC and section 27 of Arms Act.

4. Whether any of his co-accused have been released on parole or furlough is not known.

5. The authorities can in addition to parents as sureties also obtain independent sureties and impose various conditions to see that he stays away from the sensitive area and reports Police Station regularly.

6. As we find that the impugned order is passed without application of mind, we quash and set aside the impugned order dated 5/1/2019 passed by the Competent Authority and order dated 25/4/2019 passed by the Appellate Authority.

7. We direct the competent Authority/sanctioning Authority to consider the request afresh in the light of observations made supra and pass suitable order within a period of 8 weeks from the date of communication of this order to it. Copy be sent to the prisoner in jail. The Petition is partly allowed and disposed of.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)