

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2887 OF 2019

Murad Mo. Ayub Pathan @ Raju Wasim ... Petitioner

Versus

The Inspector General of Prison and Ors. ... Respondents

None for the petitioner.

Mrs. M.H. Mhatre, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SANDEEP KASHINATH SHINDE, JJ.
DATE : AUGUST 19, 2019

P.C.:

Furlough leave has been declined on 8/1/2019 because of adverse police report submitted by the Senior Superintendent of Police Gaziabad. The report dated 26.11.2018 sent by the Gaziabad Police shows that the surety offered comes from the middle class and earning member there is working in a private company at Delhi on monthly wages of Rs.15,000/-. It is also stated that there is no past criminal record of this prisoner.

2. The prisoner is in jail since 2/5/2009 and as on 30/6/2019 he has completed 10 years, 3 months and 29 days in jail. He

has not been released either on parole or furlough at any time. It is not the case of the respondents that legally the petitioner is not entitled to furlough.

3. Gaziabad Police has given adverse report only on account of humble background of the proposed surety. They have not pointed out any past conduct. It is not in dispute that the prisoner was on bail during the trial.

4. In this situation, the respondents can always impose appropriate terms and conditions including restrictions on the movement or place of residence of the prisoner during his leave with additional requirement to report at the specified police stations regularly.

5. It is also open to the prisoner to furnish another/additional surety.

6. We therefore, quash and set aside the impugned order dated 8/1/2019 and place the matter back before the respondents for passing suitable orders afresh within eight weeks from the date of receipt of this order.

7. A copy of this order be communicated to the prisoner in jail.
8. Petition is accordingly partly allowed and disposed of.

(SANDEEP KASHINATH SHINDE, J.)

(B.P. DHARMADHIKARI, J.)