

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5207 OF 2019**

Kailash B. Punjara	... Petitioner
V/s.	
The State of Maharashtra	... Respondent

Mr. S.P. Chaudhari (Appointed Advocate) for the Petitioner.
Mr. S.S. Pednekar, APP for the Respondent – State.

**CORAM : B.P. DHARMADHIKARI &
 : N.R. BORKAR, JJ.
DATE : DECEMBER 09, 2019.**

P.C.

1] Learned APP is seeking time on the ground that the papers have not been received by him.

2] Counsel for the petitioner (appointed) pointed out that this Court had issued notice on 16th October 2019.

3] We have perused the papers. The petitioner – prisoner has been sentenced on 21st July 2018. He is in prison since 18th October 2014. He has not been released thereafter at any time.

4] His prayer for furlough has been declined by the first authority on 18th March 2019 and the appeal against it has been dismissed on 5th July/August 2019.

5] Both these orders mention adverse police report.

6] From the orders, it appear that the complainant and the witnesses have given some statements to the police and the police authorities feel that after release of the petitioner, possibility of breach of peace in the area cannot be ruled out.

7] Actually, the petitioner-prisoner has never been released and therefore, this apprehension is not based upon any actual incident.

8] The authorities granting furlough can put appropriate restrictions upon the petitioner-prisoner asking him not to enter in particular area and they can also obtain appropriate declaration from him and his surety.

Dinesh
S.
Sherla

Digitally signed
by Dinesh S.
Sherla
Date:
2019.12.11
11:00:33
+0530

9] Hence, we quash and set aside those orders and direct the DIG, Prisons to pass fresh order imposing suitable terms and conditions upon the petitioner - prisoner. Fresh order shall be passed within six weeks from the date of communication of this order to that authority.

10] Writ Petition is, accordingly, allowed.

11] This order be served upon the petitioner-prisoner in Jail.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)