

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 85 OF 2020

Uttam s/o Maroti Sadavarte
Age 56 years, occ. Nil
Convict No. 8093
R/o at present in Central Prison Aurangabad
District Aurangabad

Petitioner

Versus

1. The State of Maharashtra
 2. The Dy. Inspector General of
Central Prison, Aurangabad.
 3. The Superintendent of Central Prison
Aurangabad, Dist. Aurangabad.
- Respondents

Mrs. B.B. Gunjal, Advocate for the petitioner.
Mrs. V.S. Choudhary, APP for all respondents.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 31st January, 2020.

JUDGMENT : (PER T. V. NALAWADE, J.)

1. Rule. Rule made returnable forthwith.
2. By consent, heard both the sides for final disposal.

3. This proceeding is filed to challenge the order passed by respondent No. 2 by which, furlough leave application filed by the petitioner is rejected.

4. The submissions made and the order under challenge show that the application is rejected on the ground that there is adverse police report. It is also observed that the surety i.e. the wife of the petitioner is not competent and he may not be able to bring the prisoner back to the prison.

5. The submissions made show that petitioner has been behind bar for more than 9 years as life convict for offence of murder. This will be the first time when he will be coming out of jail on furlough leave. Considering the purpose behind the scheme of furlough leave, this Court holds that the reason of adverse police report and the wife of petitioner may not be able to bring him back to the prison, cannot sustain in law as yet for no time he was released on furlough leave. Considering the purpose behind the scheme of furlough leave, this Court holds that furlough leave application ought to have been allowed.

6. In the result, the petition is allowed. Order passed by respondent No. 2 is hereby quashed and set aside. Furlough leave application is allowed. Petitioner be released on furlough leave on usual terms and conditions and his wife be taken as surety. The other usual terms and conditions can be imposed. Rule made absolute in above terms. Petition stands disposed of.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb