

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

51. CRIMINAL WRIT PETITION No. 390 of 2020

Faruk Khan S/o Mustak Khan (C-5179)
age major occup. convict
R/o at present confined in Open Prison,
Paithan Dist. AurangabadPetitioner

VERSUS

1. The State of Maharashtra
Through : The D.I.G., Prisons, Aurangabad
2. The State of Maharashtra
through the Superintendent,
Open Prison, Paithan. ...Respondents

Mr. Rupesh A. Jaiswal, Advocate for petitioner
Mr. R.D. Sanap, Addl. Public Prosecutor for Respts./State.

CORAM : T.V. NALAWADE, J.

DATE : 19th May, 2020

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. By consent, heard both the sides for final disposal.
3. This petition is filed challenging the order passed by respondent No. 1-authority by which, furlough leave application is

rejected. The application is rejected on the ground that there is adverse police report against the petitioner. The submissions made show that the petitioner has been behind the bar for more than ten years. He is kept in open prison. Ordinarily the witnesses are taking objection even when the case is concluded and so objection of the witnesses cannot be a ground for rejecting furlough leave.

4. In view of the aforesaid circumstances, this Court holds that furlough leave application needs to be allowed and so the petition is allowed. The order made by the respondent-authority is quashed and set aside. The petitioner is to be released on furlough leave after getting cash security of Rs. 5000/- (Rs. Five thousand only) and P.R. bond of Rs. 5000/- (Rs. Five thousand only), subject to usual terms and conditions.

5. Rule is made absolute.

(T.V. NALAWADE)
JUDGE