

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

CRIMINAL WRIT PETITION NO. 2073 OF 2019

Mujbil Hussain S/o Shabbir Ahmed. (C-5229),
Open Prison, Paithan.

... PETITIONER

VERSUS

1] The State of Maharashtra,
Through D.I.G.,
Prisons, Pune.

2] The State of Maharashtra,
Through Superintendent,
Open Prison Paithan.

... RESPONDENTS

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Mr. Rupesh A. Jaiswal, Advocate for Petitioner.

Mr. M. M. Nerlikar, APP for Respondents.

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CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 30th January, 2020.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

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

2 The proceeding is filed to challenge the order made by the Respondents by which the furlough leave application is rejected.

3 The submissions made and record show that adverse police report is given as a ground and other ground is that there is possibility that the Petitioner may abscond. The learned counsel for Petitioner made a statement, on instructions, that the co-accused in that matter is granted furlough leave. The submissions made show that the Petitioner has been behind bars for about eight years and few months and this will be the first time he will be coming out on furlough leave. Considering the purpose behind furlough leave, the aforesaid grounds cannot sustain in law. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. The order made by the Respondents of rejection of furlough leave application, is hereby quashed and set aside.
- III. The application filed by the Petitioner for furlough leave, is hereby allowed.

- IV. The Petitioner is to be released on furlough leave on the same conditions on which the co-accused is released on furlough leave.
- V. It is to be done within 15 days from today.
- VI. Rule is made absolute in those terms.

Authenticated copy is allowed to both the sides.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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