

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

Criminal Writ Petition No.2119 of 2019

* Ashok s/o Parshappa Kodwan
(C-5115), Open Prison, Paithan. .. **Petitioner.**

Versus

- 1) The State of Maharashtra
Through D.I.G. Prisons,
Aurangabad.
- 2) The State of Maharashtra
Through Superintendent,
Open Prison, Paithan. .. **Respondents.**

Shri. Rupesh A. Jaiswal, Advocate, for petitioner.

Shri. K.S. Patil, Additional Public Prosecutor, for
respondent Nos.1 and 2.

**Coram: T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

Date: 14 JANUARY 2020

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

- 1) Rule. Rule made returnable forthwith. By
consent heard both the sides for final disposal.

2) The proceeding is filed to challenge the order dated 20-6-2019 passed by the respondents on the furlough application. The application is rejected on the ground that police have given adverse report against him. The submissions made show that the petitioner has been behind the bars for more than 12 years now. In the past he was granted furlough and he surrendered in time. The submissions made show that he is kept in Open Prison Paithan now. Though there are these circumstances, the aforesaid reasons are given by the authorities for rejection of the furlough application. Witnesses of the case are bound to take such objections every time. During the past leave no untoward incident took place and the prisoner had returned to jail in time. The circumstance that he is kept in Open Prison also shows that his conduct is improved and there is nothing adverse against him. Due to these circumstances, following order is made.

3) The petition is allowed. The order made by the the authorities which is challenged in this petition is hereby quashed and set aside. The application filed for furlough is allowed. The petitioner is to be released on

furlough on usual terms and conditions. If he is not able to give surety then cash security may be accepted from him. This is to be done within 15 days from today. Rule is made absolute in those terms.

Sd/-
(M.G. SEWLIKAR, J.)

Sd/-
(T.V. NALAWADE, J.)

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