

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.808 OF 2020

Bala @ Narayan Arjun Gaonkar

...Petitioner

vs.

The State of Maharashtra

...Respondent

None for the petitioner.

Dr. F. R. Shaikh, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 18/2/2020.

PC.:

. Furlough has been denied to the petitioner on 3/8/2019 by the Deputy Inspector General (Prisons), Aurangabad and appeal against it is dismissed on 10/12/2019 by the Additional Director General and Inspector General (Prisons), Pune.

2. Grounds are adverse police report and possibility of the prisoner threatening the informant or witnesses. Surety offered by him is found incompetent to control his movement.

3. We have perused papers. It appears that he was sentenced on 8/10/1993 by the Sessions Court and thereafter in appeal sentence was maintained on 29/12/2015. He was on bail during trial and thereafter during appeal. Thus, till 31/12/2019 he has put in 4 years of actual imprisonment. There is no report of any wrong behaviour when he was out on bail. After conviction he has surrendered voluntarily. Apprehensions noted in order by the Authority are therefore hypothetical. Fact that woman

has been offered as surety by itself does not mean that she is not competent to control him. We therefore find orders unsustainable and accordingly the orders are quashed and set aside. We direct respondent to release him on furlough leave after imposing suitable terms and conditions including condition of marking his attendance at particular police station at regular intervals. The petition is partly allowed and disposed of.

4. Order be served upon the prisoner in jail.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)