

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4522 OF 2019**

Sunil Omprakash Both @ Chhota ... Petitioner
V/s.
State of Maharashtra ... Respondents

Mr. P. Roy a/w. Chandni Chawle i/b Dr. Yug M. Chaudhary for
the Petitioner
Smt. A.S. Pai, APP for the Respondent – State.

**CORAM : B.P. DHARMADHIKARI &
 : N.R. BORKAR, JJ.
DATE : JANUARY 21, 2020.**

P.C.

- 1] Heard finally with consent.

- 2] The petitioner is a convict and is in Jail since 21.10.2011.
He has been convicted on 5.5.2016.

- 3] He moved an application for release on furlough and his
application has been rejected on the ground of adverse police
report.

- 4] We have perused that order dated 23rd July 2019.

5] The adverse police report is based only upon apprehension and there is no legal basis for the same since the petitioner has never been released after his conviction. He was also in Jail during trial.

6] In this situation, we quash that order and direct authorities to pass a fresh order in accordance with law within four weeks after communication of this order. The petition is thus, allowed and disposed of.

7] Copy of this order be communicated to the prisoner in Jail.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)