

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6368 OF 2019**

Dhanraj H. Sutar	... Petitioner
V/s.	
The State of Maharashtra	... Respondent

None for the Petitioner.
Mr. K.V. Saste, APP for the Respondent – State.

**CORAM : B.P. DHARMADHIKARI,
 ACTING CHIEF JUSTICE &
 N.R. BORKAR, J.**

DATE : MARCH 3, 2020.

P.C.

1] Heard learned APP.

2] The prisoner challenges the order dated 25th May 2018 denying furlough leave and other order dated 7th April 2019 again denying the furlough leave. It appears that against the order dated 25th May 2018 , the appeal has been rejected on 6th November 2019.

3] Rejection is on account of adverse police report. The said report is based upon the statements of complainant and witnesses.

4] Nominal roll at Exhibit-A given by learned APP shows that after 7th April 2014 till 4th February 2016, he was under trial prisoner and thereafter he was convicted. Thus, he has not been released on bail during trial and on any type of leave after conviction.

5] Thus, fear expressed by the complainant and witnesses is hypothetical.

6] We, therefore, direct the authorities to pass fresh orders ignoring that fear and after imposing suitable conditions, consider his release on furlough leave as per law. Fresh orders shall be passed within 8 weeks after receipt of this order.

7] Petition is partly allowed and disposed of.

8] Copy of the order be served upon the prisoner in Jail.

(N.R. BORKAR, J.)

(ACTING CHIEF JUSTICE)