

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

LD-VC WP NO. 598/2020

Arun S/o. Gulab Gawli,
Aged 69 years, C-8535,
Presently Nagpur Central Prison, Nagpur

.... PETITIONER

// VERSUS //

- 1] Deputy Inspector General (Prisons) (East),
Nagpur
- 2] The Superintendent, Central Prison,
Nagpur

.... RESPONDENT(S)

Shri M.N. Ali, Advocate for the petitioner
Shri S.J. Kadu, APP for the respondent/State

CORAM : Z.A.HAQ & N.B. SURYAWANSHI, JJ.
DATED : 07/07/2020

ORAL JUDGMENT : (PER:- N.B. SURYAWANSHI, J.)

- 1] Heard.
- 2] **RULE.** Rule made returnable forthwith.
- 3] Learned APP seeks time to file reply, however, considering the facts of the case and the fact that earlier also, the petitioner was released on

furlough leave by the order passed by this Court on 23/04/2019, the matter is taken up for final hearing.

4] The petitioner challenges the order passed by the respondent no. 1 rejecting his furlough leave application. The furlough leave application is rejected on the ground that the petitioner is the head of criminal gang and if he is released on furlough, there is every possibility of law and order situation. The police authorities have taken the objection for releasing him on furlough leave.

5] Learned advocate for the petitioner has submitted that previously for more than 8 times, the petitioner was released on either parole or furlough and on every occasion, he has surrendered on due date. It is further submitted that there has been no breach of conditions whatsoever on the part of the petitioner on these 8 occasions. He therefore prays for allowing the petition.

6] Learned APP vehemently opposed the prayer stating that since the petitioner is the head of criminal gang, there is every possibility of law and order situation if he is released on furlough leave.

7] Taking into consideration the fact that when previously the petitioner was released on 8 occasions either on parole or furlough, he has

surrendered on due date, there is no breach of conditions on the part of the petitioner and earlier also, the petitioner was granted furlough by this Court, the following order is passed:-

a) The impugned order dated 27/06/2020 (at Annexure II) passed by the respondent no. 1 is set aside.

b) The petitioner is directed to be released on furlough leave for a period of 28 days on such terms and conditions as the respondent no. 1 deems fit and proper.

Rule is made absolute in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

JUDGE

ANSARI