

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

CRIMINIAL WRIT PETITION NO. 537 OF 2020

PETITIONER :- Jamaluddin s/o Nizamuddin Khan (C-10104) (Central Prison, Nagpur).

...**VERSUS**...

RESPONDENTS :-

1. State of Maharashtra, through D.I.G. (Prisons), East Division, Nagpur and another
2. The Superintendent of Central Prison, Nagpur.

Mr. Sarnath D. Sahoo, counsel for the petitioner.
Mr. A.A. Madiwale, A.P.P. for the respondents.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATE : 03.12.2020.

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. The writ

petition is heard finally with the consent of the learned counsel for the parties.

3. Adverse Police report is the only ground on the basis of which the petitioner has been declined furlough leave. There is, however, no dispute about the fact that the petitioner is eligible for maximum of 21 days of furlough leave. The Police report, does not disclose any material so as to reach a reasonable conclusion that the apprehension is expressed against the petitioner is not fanciful or arbitrary. Therefore, we find that the impugned order is against the well settled principle of law and needs to be quashed and set aside. Petition is allowed. The petitioner is directed to be released on furlough as per his entitlement under the Rules on such conditions as may be considered appropriate under the existing Rules within a period of two weeks from the date of the order.

4. Rule is made absolute in these terms. No costs.

JUDGE

JUDGE