

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

CRIMINAL WRIT PETITION NO. 549/2020

PETITIONER : Dhanraj Dagdu Chauhan (In Jail),
aged 37 years, Occ. Nil,
Presently at Central Prison, Amravati.

...VERSUS...

RESPONDENTS: 1. State of Maharashtra, through
Secretary, Department of Home, Mantralaya,
Mumbai.
2. Deputy Inspector General of
Prison, Eastern Region, Nagpur.
3. Superintendent of Jail,
Central Prison, Amravati

Ms. S.S.Dhote, Advocate for petitioner
Shri D.P.Thakre, APP for respondent nos.1 to 3

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 07/12/2020.**

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

.1] Rule. Rule made returnable forthwith. Heard finally
with the consent of the learned Counsel for the parties.

2] The petitioner having already undergone the actual
sentence of more than three years from the date of application
seeking furlough, the petitioner would be eligible to be released on
furlough.

3] According to the learned APP, the report is not completely favourable to the petitioner and some apprehension about the petitioner's misusing the liberty given to him has been expressed and that it has been appropriately considered by the respondent No.1 while rejecting the furlough leave application of the petitioner.

4] The learned counsel for the petitioner submits that as a matter of record, the police report indicates that the Superintendent of Police, Yavatmal, does not have any objection if certain conditions as mentioned in his report dated 13.08.2020 are imposed while granting furlough leave to the petitioner.

5] We have gone through the impugned order and also the police report dated 13.08.2020. It does show that Superintendent of Police, Yavatmal, does not have any objection for releasing the petitioner on furlough provided certain conditions as mentioned by him in the report are imposed. These facts, it appear to us, have not been properly considered by respondent No.2 while passing the impugned order.

6] In fact, there is one more factor which favours the case of the petitioner. There is a report given by the Jail Superintendent, Washim, on 18.09.2019, stating that the conduct of the petitioner is satisfactory. There is no dispute about this report also. Thus, it appears to us that all the police reports are favourable and there is no impediment as regards the eligibility of the petitioner in releasing on furlough leave. We are of the view that the application of the petitioner ought to have been granted by respondent No.1.

7] In the result, writ petition is allowed. The impugned order is hereby quashed and set aside. The respondents are directed to release the petitioner on furlough as per his period of entitlement or upon such condition including the conditions mentioned in the police report dated 13.08.2020, as may be found appropriate by the respondents, within a period of two weeks from the date of the order.

8] Rule is made absolute in above terms. No costs.

JUDGE

JUDGE