

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1830 OF 2021

Ramashish Ramjatan Yadav)
Age: 38 years, Occ:- Carpenter)
R/at Near Kanase Dhaba, Behind Shivraj)
Petrol Pump, Gadoli, District Satara.)
(At present lodged at Pune Central Prison,))
Yerwada, Pune as convict No. C/18157)) Petitioner.

Vs.

1] The State of Maharashtra)
)
2] The Inspector General of Prison,)
Western Region, Yerwada, Pune.)
)
3] The Superintendent,)
Pune Central Prison, Yerwada, Pune.) Respondents.

Mr. Daulat G. Khamkar for Petitioner
Mr. J.P. Yagnik , APP for State

**CORAM : S.S. SHINDE AND
MANISH PITALE, JJ.**

**Judgment reserved on : 4/5/2021
Judgment pronounced on : 6/5/2021**

JUDGEMENT: (Per Manish Pitale J.)

1. By this petition, the Petitioner is seeking a direction to the Respondents to release him on furlough leave. The Petitioner is undergoing sentence of life imprisonment for conviction under Section 302 of the Indian Penal Code at Yerwada Central Prison at Pune. The Petitioner claims that his application for grant of furlough leave was wrongly rejected on 4th August, 2020 by the Respondent No. 3 and the appeal filed by the Petitioner against the said order was also erroneously rejected by Respondent No. 2 by order dated 9th March, 2021. It was submitted that the Petitioner deserves to be released on furlough leave and the reasons stated in the said orders are not sustainable.

2. The learned counsel appearing for the Petitioner, Mr. Khamkar made submissions in tune with the contentions raised in the writ petition. It was submitted that the Petitioner had been residing with his family at Satara, in the state of Maharashtra for about 25 years and there was no possibility of his absconding, upon release on furlough leave.

3. Mr. J.P. Yagnik, learned APP appearing on behalf of the Respondents submitted that the Petitioner was the original resident of Uttar Pradesh and that the material on record indicated that there was chance of the Petitioner absconding upon being released on furlough leave and further that there was possibility that the Petitioner would create law and order problem by disturbing the life of those, who had deposed as witnesses against him in the trial.

4. A perusal of the orders passed by the Respondent Nos. 2 and 3 shows that one of the factors taken into consideration by the said Respondents is that the Petitioner originally belongs to a different state i.e. Uttar Pradesh and that the Superintendent of Police had stated on record that there was possibility of the Petitioner absconding. We have also perused the report forwarded by the learned APP, which is submitted by the Respondent No. 3. It shows that the Petitioner has undergone about 7 years and 5 months of imprisonment and that he is undergoing imprisonment for life for conviction under Section 302 of the Indian Penal Code. Considering the fact that the Petitioner is

original resident of the State of Uttar Pradesh, the apprehension expressed in the impugned orders passed by Respondent Nos. 2 and 3 of the likelihood of the Petitioner absconding, cannot be said to be unreasonable. There is material referred to by the said Respondents regarding possibility of law and order problem upon the Petitioner being so released. In these circumstances, we are not inclined to hold that the prayer for furlough leave made by the Petitioner before the Respondents was wrongly rejected. We are not inclined to favourably consider the prayer made in the writ petition.

5. Accordingly, the writ petition is dismissed.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)