

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

CRIMINAL WRIT PETITION NO.38 OF 2020

Prem Sudam Rathod,
Convict No.C/5543.
Presently at Central Prison,
Amravati, District Amravati.

..... **PETITIONER**

// VERSUS //

1. Deputy Inspector General
(Prisons)(East), Nagpur.

2. The Superintendent,
Central Prison, Amravati,
District Amravati.

..... **RESPONDENTS**

None for the petitioner.
Mr.S.M.Ghodeswar, A.P.P. for Respondent Nos. 1 and 2.

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

DATE : 20.1.2021.

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

1. Nobody is present for the petitioner, but, as the pleadings are complete and Mr.S.M.Ghodeswar, learned Additional Public Prosecutor is there to assist this Court, the petition has been taken up for final hearing.

2. **Rule.** Mr.S.M.Ghodeswar, learned Additional Public Prosecutor waives service for respondent nos. 1 and 2.

3. The only ground taken for rejection of the application filed by the petitioner for his release on furlough is some apprehension expressed by the concerned Police Station that, if released on furlough, the petitioner might decide to visit Pandhurna, a town situated near village Mungshi, Tq. Pusad, District Yavatmal where the petitioner would ordinarily reside while on furlough and assault his mother-in-law Shalubai Jadhav. There is, however, no material placed before us for substantiating such an apprehension. Reply is also silent in this regard. Unless such apprehension is based on reasonable suspicion, it could not constitute a ground for rejection of application seeking furlough leave, furlough leave being a matter of right. Therefore, we find that the impugned order based on this

solitary ground is illegal and deserves to be quashed and set aside. There is otherwise no dispute about entitlement of the petitioner regarding grant of furlough leave.

4. In the result, the petition is allowed. The impugned order is quashed and set aside.

5. The petitioner is directed to be released on furlough leave as per his entitlement on such conditions as may be found suitable in the matter, in accordance with the Rules, within a period of four weeks from the date of order.

Rule is made absolute accordingly.

6. As the learned Counsel (appointed) for the petitioner has committed default in appearance, no remuneration be paid to him and this fact may be duly taken note of by the High Court Legal Services Sub-Committee, Nagpur.

JUDGE

JUDGE

[jaiswal]

