

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

Criminal Writ Petition No.665/2021

Laxman Raghunath Naik,
C-10244, aged about 33 years, Occ. Nil,
(Presently in Central Prison, Nagpur) ...Petitioner

VERSUS

1. The State of Maharashtra,
through Deputy Inspector General of Prison,
Eastern Region, Nagpur.
2. The Superintendent of Jail, Central Prison, Nagpur,
Distt. Nagpur. ...Respondents

Mr. Raju Kadu, Advocate for the petitioner.
Ms Nandita Tripathi, APP for State.

**CORAM: M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.**
DATE : 28-10-2021.

JUDGMENT (P C.)

Rule. Rule is made returnable forthwith. Heard finally with consent of learned counsel for both the parties.

2. The challenge in this petition is to the order dated 20-05-2021 passed by the respondent no.1 Deputy Inspector General of Prison (Eastern Region), Nagpur, whereby the application of the

petitioner for his release on furlough for a period of 21 days came to be rejected. The application came to be rejected on the ground that the informant and witnesses of the crime, in which the petitioner is undergoing sentence, expressed apprehension to their life if the petitioner is released on furlough leave. We have perused the record and also considered the submissions made on behalf of both the sides.

3. At the outset, it is not disputed that the petitioner who is a life convict for the offence of murder is eligible for grant of furlough leave as per the Prisons (Bombay Furlough and Parole) Rules, 1959. Admittedly, as of now he has already undergone three years of imprisonment, which is a condition precedent for grant of first furlough leave as per Rule 3 (C)(1) of the said Rules.

4. A perusal of the impugned order would indicate that Tulsa Naik, mother of the present petitioner is ready to stand as a surety for him. As per the police verification report, the Tulsa Naik, mother of the petitioner is the competent person to stand as a surety. The impugned order vaguely refers to the apprehension expressed by the informant and witnesses in the crime for which the petitioner is undergoing sentence. The impugned order is absolutely silent as to the basis on which the said apprehension is expressed.

5. At this juncture, it would be relevant to refer to the

objectives for grant of furlough and parole leaves to the inmates. The objectives are provided in Rule 1(A) of the said Rules. These are the progressive measures of correctional services to enable the inmate to maintain continuity with his family life and deal with family matters, to save from evil effects of continuous prison life, to enable him to maintain and develop his self-confidence, to enable him to develop constructive hope and active interest in life.

6. Having regard to the avowed objectives and the eligibility of the petitioner for grant of the furlough leave as per the rules, we are inclined to allow the petition by setting aside the impugned order dated 20-05-2021. Accordingly, we pass the following order:

Petitioner – Laxman Raghunath Naik shall be released on furlough leave for a period of 21 days on executing personal bond of Rs.20,000/- and such other conditions to the satisfaction of respondent no.2 – Superintendent of Jail.

Rule is made absolute in the above terms. The petition stands disposed of. No costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)