

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

CRIMINAL WRIT PETITION NO. 709 OF 2021

Julfising @ Surajsing @ Bambai @ Attarsingh Navnihal @
Daulatsingh Bawari, Prisoner no. C – 8965.
(Presently at Central Prison, Nagpur).

...PETITIONER

Versus

1. State of Maharashtra,
through the Dy. Inspector General of Prisons (ER),
Nagpur.
2. The Superintendent,
Central Prison, Nagpur.

...RESPONDENTS

Ms. Shweta Wankhede, Advocate for the petitioner.
Ms. N.R. Tripathi, A.P.P. for the respondents.

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**CORAM : M.S. SONAK AND
PUSHPA V. GANEDIWALA, JJ.
DATE : OCTOBER 26, 2021.**

ORAL JUDGMENT : (PER : M.S. SONAK, J.)

Heard Ms. Shweta Wankhede, learned counsel for
the petitioner and Ms. N.R. Tripathi, learned A.P.P. for the
respondents/ State.

2. Rule. Rule is made returnable forthwith at the request and with the consent of learned counsel for the parties.

3. The challenge in this petition is to the order dated 08/09/2021 rejecting the petitioner's application for Furlough.

4. Ms. Wankhede, learned counsel for the petitioner has pointed out that the co-accused, who was also convicted along with the petitioner was granted Furlough without raising the objections that have been raised in the case of the petitioner.

5. Accordingly, we had adjourned the matter to enable the learned A.P.P. to obtain instructions on this issue. The learned A.P.P. has confirmed that the co-accused was indeed released on Furlough. Besides, Ms. Wankhede has also placed on record the decision of the learned Sessions Judge in Special Criminal Case No. 4/2013 from which it is quite clear that the petitioner and the other convict who was released on Furlough were indeed the co-accused in the said matter.

6. Having regard to the aforesaid circumstances, we are satisfied that the impugned order declining Furlough to the petitioner is required to be set-aside.

7. We set-aside the impugned order and direct the concerned respondents to release the petitioner on Furlough for 28 days on the usual terms and conditions. The order to this effect to be passed within a week from today.

8. Rule is made absolute in the aforesaid terms. There shall be no order for costs.

(PUSHPA V. GANEDIWALA, J.) (M.S. SONAK, J.)

Sumit