

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

CRIMINAL WRIT PETITION NO.824 OF 2021

Mohd Yakub Abdul Majid Nagul,
Convict No.C/8774,
Aged about 50 years,
Presently at Central Prison,
Nagpur.

.. Petitioner

Versus

1. Deputy Inspector General (Prisons),
(East), Nagpur. (E.R.).
2. The Superintendent Central Prison,
Nagpur.

.. Respondents

Mr. M.N. Ali, Advocate for the petitioner,
Ms. Nandita Tripathi, APP for the respondents

**Coram : M.S. Sonak and
Pushpa V. Ganediwala, JJ.**

Date : December 22, 2021.

ORAL JUDGMENT [PER : M.S. SONAK, J.]

Heard the learned counsel for the parties.

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

3. According to us, the issue raised in this petition is squarely covered by our judgment and order dated 19.6.2019 in Criminal Writ Petition (WP) No.203/2019 instituted by this very petitioner.

4. The record indicates that this petitioner was granted furlough leave in the past and has also surrendered on or before the due date.

5. Therefore, by adopting the reasoning in the aforesaid judgment and order, we allow this petition and set aside the impugned order declining the petitioner furlough leave. The petitioner will now have to be released on furlough leave on such terms and conditions as the authority shall deem fit and proper.

6. Besides that while on furlough leave, the petitioner shall report the concerned police station once in a week and before leaving the place of his residence, he shall provide an intimation to the concerned police station. If the petitioner commits an act of misconduct or fails to return on due date or commits offenses, the same shall affect his release on the next occasions.

7. Rule is made absolute in the aforesaid terms. No order as to costs.

Pushpa V. Ganediwala, J.

M.S. Sonak, J.