

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

WRIT PETITION NO.6454 OF 2021

Nilesh S/o. Patil	...	Petitioner
Versus		
The State of Maharashtra		
And Others	...	Respondents

Mr. Rupesh Jaiswal for the Petitioner.
Mr. K.S. Saste, APP for the Respondent-State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 27 APRIL 2022

P. C. :

. The Petitioner Convict No.4777 presently lodged in Central Prisons, Kalamba, Kolhapur prayed for grant of furlough leave. By an Order dated 23 September 2021, on assigning reasons, the Application was rejected. Mr. Jaiswal, learned Counsel, on instructions, prays for withdrawal of the Petition and further prays for liberty to file a fresh Application for grant of parole/furlough, as the case may be, in accordance with relevant Rules and submits that in case, such Application is filed, same be decided on its own merits without reference and not insisting on the earlier ground and submitted by Mr. Jaiswal, learned Counsel that in rejection Order dated 23 September 2021, reference was made to belated surrender of the Petitioner. It is submitted by Mr. Jaiswal that the Petitioner was released in the year 2012 and by effecting his arrest, was brought back to Prisons in the year 2016. Mr. Jaiswal, then submits that after 2016, not on a single occasion, the Petitioner was released. As such the Authorities be directed to consider the Application a fresh on its own merits.

2 We find some merits in the submissions of the learned Counsel Mr. Jaiswal, for the Petitioner. As such the Petition is allowed to be withdrawn as prayed for. We make it clear that in case the Petitioner files a fresh Application to the Authorities for grant of parole/furlough leave, the Authorities to consider that application a fresh on its own merits.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)