

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

CRIMINAL WRIT PETITION NO. 4203 OF 2021

Ram @ Guddu Chichiriya Chandwani ...Petitioner

Versus

The State of Maharashtra ...Respondent

.....

Mr. Ketan A. Dhavle for the Petitioner.

Mr. K.V. Saste, APP for the State.

.....

**CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.**

DATED : 19 AUGUST 2022

P.C. :-

Heard learned Counsel for the Petitioner who is appointed through legal aid and the learned APP.

2. The Petitioner has challenged the orders dated 5 September 2019 and 11 March 2020 rejecting the application filed by the Petitioner for furlough leave. The Petitioner had prayed for furlough leave in the year 2019 based on a report received from police authorities dated 7 October 2019. The Application of the Petitioner was rejected. In the report, it is stated that the Complainant had made a grievance that if Petitioner is released on furlough, the life of the Complainant and his family members would be in danger.

3. According to the Complainant, on 19 June 2019 brother of the

the Petitioner threatened the Complainant on phone. The record placed before us shows that the Petitioner has never been released on parole or furlough and for the last nine years he is in custody. Therefore this is a case where the authority should have looked at the apprehension expressed carefully not merely reproducing the apprehension of the Complainant, since it would be for the first time that the Petitioner would be released from the jail. The incident for which the Petitioner was convicted has also taken place in the year 2012, that is ten years ago.

4. According to us, in this case a greater degree of scrutiny was expected from the authorities, which is missing. Therefore, we permit the Petitioner to make a fresh application for furlough upon which a police report on the situation resulting as on today would be called for the Respondents and a decision be taken. The exercise be done within period of six weeks from the Petitioner submits an application.

5. Writ Petition is accordingly disposed of. Order be informed to the Petitioner in the jail.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)