

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 1217 OF 2022**

Raju Vitthal Bhadre.

...Petitioner.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. Mr Naman Ali for the Petitioner.

Ms. S. D. Shinde, APP for the Respondent-State.

CORAM : PRASANNA B. VARALE &

S.M. MODAK, JJ.

**Date : May 5, 2022.**

P. C. :

1. Heard learned counsel appearing on behalf of the Petitioner. Learned counsel appearing on behalf of the Petitioner in challenge to the order dated 16<sup>th</sup> November 2021 submitted that the order suffers from non application of mind and preconceived notion of the prison authorities. *Per contra*, learned APP submitted that there were substantial reasonable grounds for rejection of application.

2. We have considered the rival submissions of learned counsel appearing for the respective parties. We have gone through the material placed on record. The Petitioner who is convict no.C/11608, suffering his life imprisonment in Nashik Road Central Prison, submitted an application for grant of furlough leave. However, on the basis of a negative report, said application has been rejected.

3. The material placed on record shows that on an earlier occasion, the Petitioner was released from prison on parole leave, however in view of the activities of Petitioner, the order of grant of parole leave was recalled and the Petitioner was directed to surrender. The Petitioner submitted an application for setting aside the recall order. The deputy commissioner of police (detection branch), Nagpur submitted a report. Copy of the same is placed on record. It is stated in the report that the Petitioner was released on an emergency parole leave for 45 days on 13<sup>th</sup> May 2020 in view of the outbreak of Covid-19 pandemic. Though the Petitioner was expected to surrender to the prison authorities on expiry of parole leave, he sought an extension and by enjoying 120 days of parole leave when the Petitioner was directed to surrender to the prison authority on 26<sup>th</sup> October 2020, the Petitioner again applied for extension of leave and by the order dated 17<sup>th</sup> October 2020, the leave was extended for the period of 30 days. The Petitioner, thus, has sought as many as 8 to 9 extensions of parole leave. However, on 10<sup>th</sup> February 2021, the Petitioner was found indulging in illegal acts; the activities of the Petitioner were causing disturbance and the presence of Petitioner raised an apprehension in the minds of authorities that the petitioner may commit some illegal acts if he is not controlled. Then, there is reference to a preventive action initiated against the Petitioner. When the authorities attended the residence of Petitioner to serve intimation notice, it was informed to the authorities by the wife of Petitioner that petitioner had left Nagpur and proceeded to Delhi. The Petitioner at that relevant time had availed an emergency parole leave and it was expected of Petitioner to intimate the local police authorities and seek their permission

before leaving area of Nagpur. But without such intimation / permission, the Petitioner left Nagpur. Accordingly, station diary entry was recorded on 18<sup>th</sup> February 2021. Then, there was an offence registered against the Petitioner, namely, CR No.468 of 2015 for the commission of offence punishable under sections 143, 147, 149, 341, 342, 364A, 365, 384, 385, 386, 504 and 506B of IPC. Learned counsel Mr. Ali appearing on behalf of the Petitioner submitted that in the said offence, the Petitioner was subsequently acquitted. Then, much reliance is placed by learned counsel appearing on behalf of the Petitioner on a certificate issued by the prison authorities dated 2<sup>nd</sup> March 2022. Perusal of the said certificate shows that the prison authorities has certified that the conduct of Petitioner in the prison was good.

4. Insofar as the report submitted by the Deputy Commissioner of Police (Detection Branch) is concerned, it reveals that when the Petitioner was released on parole leave, firstly he sought extensions after extensions and avoided to surrender to the prison on scheduled date or in reasonable period. While availing the parole leave, the Petitioner left the area of Nagpur and proceeded to Delhi without giving intimation to the local police authorities.

5. Now, though the Petitioner was acquitted in CR No.468 of 2015 registered with Ranapratanagar Police Station, Nagpur, his earlier acts were causing an apprehension in the minds of authorities that the Petitioner is misusing the liberty granted to him.

6. The certificate issued by the prison authorities is in respect of

the behaviour of the Petitioner in the four corners of prison. But the conduct of Petitioner after his release is questionable. Considering all these aspects, we are of the opinion that the apprehension expressed by the prison authorities was on a justifiable material. The prison authorities by exercising their powers considered the application on its own merits and ultimately the application has been rejected assigning cogent reasons. We see no reason to cause any interference in the order impugned in the writ petition. The petition being devoid of merits deserves to be dismissed and the same is accordingly dismissed.

**[S. M. Modak, J.]**

**[Prasanna B. Varale, J.]**