

Archana Singh Vs. W/o. Virendra Thakur Vs. The State of Maharashtra¹, a copy of which is placed on record at Exhibit 'B', Page 17 of the Petition. Learned APP for the State opposes the Petition.

2 Perusal of the documents placed on record show that the Petitioner submitted an application for grant furlough leave and cousin father-in-law of the Petitioner expressed his willingness to stand as surety for the Petitioner. A report was called for from the concerned police station. It was stated in the report that as the Petitioner, who was accused in the crime was the resident of Village, namely, Natepute, the Petitioner may not be granted a furlough leave. The Sub-Divisional Police Officer of the Phaltan Division, submitted his report to DIG Prisons, Western Region on 30 March 2021. The report was partially favourable to the Petitioner in so far as the part of the surety is concerned. They by just making the statement that the Petitioner is resident of Village Hanumanwadi, Post Kurmavi, Tal Malshiraj, Dist. Solapur and surety one Amol Pandurang Sule, resident of Tamkhada (Jadhavwadi), Tal. Phaltan, Dist. Satara, submitted that on release, the Petitioner would reside at Village Tamkhada. Then by making the statement that the Petitioner is the resident of Village falling in Natepute, the Petitioner may not be released on furlough. Then the apprehension was expressed that if the Petitioner is released on Furlough leave, there is an apprehension to the complainant and witnesses. Now all three reasons assigned in the report for negating the claim of the Petitioner are without any support of justifiable material.

3 It is admitted fact that prior to the application, the Petitioner was not released either on parole leave or furlough leave. There was not

1 Criminal Writ Petition No.1157 of 2021, decided on 5 April 2021

CHITTEWAN

registration of any offence against the Petitioner to show that the Petitioner indulged himself in any illegal activities. One cannot lose sight of the fact that after conducting trial, the Petitioner was awarded conviction and sentence and the Petitioner is now suffering his sentence. As such, the apprehension of the pressuring the witnesses or complainant, post conducting the trial, was certainly ill founded apprehension. Mr. Jaiswal, learned Counsel for the Petitioner also justified in relying on the judgment of this Court in the Court of **Archana Singh**. This Court in the said judgment referred to relevant provisions and object of grant of parole/furlough leave. With no reason to take different view than the view taken by the Division Bench in the judgment of **Archana Singh**, in our opinion, learned Counsel for the Petitioner made out a case for allowing the Petitioner. Accordingly, the Orders impugned in the Petition are quashed and set aside and the Prisons Authorities are directed to release the Petitioner by grant of furlough leave. Needless to state, by complying with the other necessary formalities as provided in the relevant rules.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)

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