

... Petitioner

State of Maharashtra and others

... Respondents

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Mrs. M.H. Mhatre, APP for the State.

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

DATED : 8 JULY 2022

P.C. :-

Heard learned Counsel for the parties. Taken up for disposal.

2. The Petitioner has challenged the order dated 24 March 2022 passed by Respondent No.3 rejecting the Appeal of the Petitioner and confirming the order passed by Respondent No.2 dated 3 January 2022 rejecting the prayer of the Petitioner to be released on furlough leave.

3. Perusal of the impugned orders shows that the prayer of the Petitioner to be released on furlough was rejected primarily on the ground that if released, the Petitioner will pose danger to the

witnesses and his family and he might abscond and his release may result into breach of law and order.

4. The learned Counsel for the Petitioner submits that the Petitioner had applied for parole (Covid-19 Emergency) which initially was rejected, and thereafter, he had filed Writ Petition No.3438 of 2021 which was partly allowed by order dated 6 January 2022. He submitted that the Petitioner was released on parole (Covid-19 Emergency) on 24 January 2022 and surrendered on 27 May 2022 when the policy of being released on parole (Covid-19 Emergency) was withdrawn by the State. The learned Counsel for the Petitioner submitted that from his conduct, the Petitioner as demonstrated during his release, neither of the apprehension expressed in the impugned order, are correct.

5. According to us, this subsequent development needs to be considered by the authorities while deciding the Application for furlough leave. The impugned orders are thus quashed and set aside. The Application of the Petitioner is restored to file.

6. The Respondents will consider the application of the Petitioner for furlough leave on its own merits in light of what is stated above within a period of four weeks and inform the Petitioner of the outcome.

7. The Writ Petition is accordingly disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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