

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

CRIMINAL WRIT PETITION NO. 103/2021

* Suraj Popatrao Gurav ..**Petitioner**

versus

1) State of Maharashtra and another ..**Respondents**

.....
Mr. K.C.Deogade, Advocate (appointed) for the Petitioner
Ms. N.R.Tripathi, Addl.P.P. for Respondent Nos.1 &2
.....

CORAM: SUNIL B. SHUKRE &
G.A. SANAP, JJ
DATED : 27th June, 2022.

P.C. :

Heard.

2. During pendency of this petition, the petitioner who had applied for grant of furlough was not eligible to be granted furlough in view of the provisions made in Rule 4 sub-rule (2) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

3. The learned counsel for the petitioner submits that now the petitioner has undergone full ten years of the life imprisonment awarded to him for an offence punishable under Section 394 of the Indian Penal Code and, therefore, the petitioner has become eligible

to apply for furlough.

4. If the petitioner has acquired the eligibility afresh, the petitioner would be required to make a fresh application on changed circumstances. We, therefore, grant liberty to the petitioner to make a fresh application for his release on furlough on fresh grounds and if such an application is made by the petitioner within a reasonable time, the same shall be decided in accordance with law, within a period of eight weeks from the date of the application. The petition is, therefore, disposed of in above terms.

5. Legal remuneration of Rs. 5,000/- (Rupees five thousand) be paid to the learned appointed counsel.

[G.A. SANAP,J.]

[SUNIL B. SHUKRE, J.]

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