

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.281 OF 2022

Rohit s/o Tangppan Joseph,
aged 46 years, Convict No.C-5912,
(presently at Central Prison,
Amravati), District Amravati.

... Petitioner

- Versus -

1) State of Maharashtra, through
D.I.G. Prison (East), Nagpur.

2) The Superintendent of Central
Prison, Amravati, District
Amravati.

... Respondents

Shri A.Y. Sharma, Advocate for petitioner.

Ms. N.R. Tripathi, Additional Public Prosecutor for respondents.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : JULY 14, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Heard Shri Sharma, learned Counsel for the petitioner,
and Ms. Tripathi, learned Additional Public Prosecutor for the
respondents.

2) Rule. The rule is made returnable forthwith. Heard finally with the consent of the learned Counsel for the parties.

3) There is no dispute about the fact that the petitioner is otherwise eligible for being released on furlough. But, the dispute is about the adverse Police report, which has become the reason for denial of furlough to the petitioner.

4) The adverse Police report heavily relied upon by the respondent no.1 for rejecting furlough application of the petitioner, however, expresses apprehension of misuse of liberty only in general terms. There is no material stated in the Police report, which is adverse, which could be said to be something constituting a reasonable foundation of such apprehension. Therefore, on the strength of such general adverse report, valuable right like furlough cannot be denied to a prisoner like the petitioner.

5) If the Authorities are of the opinion that precautionary measures are required to be taken for ensuring surrender of the petitioner on due date in the Prison at Amravati, the Authorities can impose suitable conditions like attendance of the petitioner at

concerned Police Station periodically during the period of his being at large on furlough.

6) In view of above, we are inclined to allow the petition. The petition is accordingly allowed. The impugned order dated 21/3/2022 passed by the respondent no.1 is quashed and set aside. The respondents are directed to grant furlough leave to the petitioner for such period and on such conditions as may be thought fit in accordance with law including condition of requiring attendance of the petitioner at the concerned Police Station within a period of two weeks from the date of receipt of this order.

7) Rule is made absolute in the above terms. No order as to costs.

JUDGE

JUDGE

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