

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

1079 CRIMINAL WRIT PETITION NO.1608 OF 2023

MITHUN SUBHASH RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Ms. Sharada Pundlik Chate.
APP for Respondent/State: Mr. P. N. Kutti.
...

CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

DATE : 04th November, 2023.

Per Court:

. The petitioner's wife delivered a baby yesterday. His application for furlough has been turned down by the Divisional Commissioner on the ground of there being no lapse of a period of 1 and ½ years between his last release and the proposed release.

2 Number of times it has been told to us that the proviso to Rule 19 of the Prisons (Bombay Furlough and Parole) Rules is under consideration. It is also informed by the learned counsel for petitioner that this Court at Nagpur Bench was about to hold the said rule to be unconstitutional, but on the intervention of the State making a submission to have a re-look at the said proviso.

3 In view of the above and since the petitioner's wife has delivered a baby, we grant him 45 days parole leave on usual terms and conditions.

4 The Jail Superintendent, Visapur Open Prison shall release the petitioner forthwith on compliance of the usual conditions.

5 The writ petition stands disposed of.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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