

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 519 OF 2023

Rohit S/o. Sudhir Kamble,
Convict No. 7595 confined at
Central Jail, Kalamba, Kolhapur,
Age:30 years, Occ.:Convict,
R/o. Near Anurani Masjid,
Vikramnagar Kolhapur.

... Petitioner

V/s.

1. The State of Maharashtra,
through I.G.,
Prisons, Pune.
2. The State of Maharashtra,
through D.I.G.,
Prisons, Pune.
3. The State of Maharashtra,
through Superintendent Central
Prison, Kolhapur.

... Respondents

Mr. Rupesh A. Jaiswal, Adv. for the Petitioner.

Mr. Y. M. Nakhwa, APP for the State/Respondent.

**CORAM : SUNIL B. SHUKRE &
ABHAY S. WAGHWASE, JJ**

DATED : MARCH 10, 2023

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

1. Rule. Rule is made returnable forthwith.
2. Heard finally by consent of the parties.
3. We find that the petitioner is otherwise eligible for grant of Parole, but the Prison Authority has an apprehension that if the petitioner is released on bail, he may misuse the liberty so granted to

him and may not return back to the prison.

4. We must say, to have such an apprehension, there has to be sufficient material, which provides a foundation to such an apprehension. The impugned order, however, does not disclose that there was any material, which led the authorities to entertain a reasonable apprehension. On the contrary, the petitioner had been granted Emergency Covid Parole on 06/04/2022 after he filed a Criminal Writ Petition No. 290/2022. There is a record to show that the petitioner had then surrendered before the Prison Authorities on the due date. This material is sufficient to dispel the apprehension nurtured by the Prison Authorities. We thus find that the petitioner is eligible and entitled for grant of Furlough.

5. The petition is, therefore, allowed. The impugned order is quashed and set aside.

6. Respondent No. 2 is directed to grant Furlough to the petitioner for such days as he is entitled to and on such reasonable conditions as may be imposed by Respondent No. 2, in his discretion.

7. The compliance shall be made by Respondent No. 2 within two weeks from the date of receipt of a copy of this order.

8. Rule is made absolute in the above terms.

9. No costs.

10. Petition is disposed of accordingly.

[ABHAY S. WAGHWASE, J.]

[SUNIL B. SHUKRE, J.]