

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

WRIT PETITION NO. 1543 OF 2023

Ananda S/o. Laxman Chopade

....Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Rupesh A. Jaiswal for the Petitioner

Smt. A. S. Pai, GP a/w Ms M. H. Mhatre, APP, for the Respondent -
State

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 20th JULY, 2023

P.C.:

1. After having convicted in Sessions Case No. 2 of 1997 for the offence punishable u/s 302 r/w. 34 of IPC vide the judgment and order dated 05/05/1999, the Petitioner was released on furlough wherein instead of surrendering within the time stipulated the Petitioner has absconded. The Petitioner came to be apprehended on 19/01/2015 and as such Petitioner has enjoyed unauthorized freedom for 4567 days. Forming the said conduct to be basis, the prayer of the Petitioner for grant of furlough is rejected.

2. Fact remains that the Petitioner was apprehended by the Police Authority on 19/01/2015 and thereafter he was neither released on parole or furlough. For last about more than eight

years the Petitioner is not permitted to step out of the prison from his last default in January, 2015. He is already made to suffer for eight years for his serious default in surrendering. He can no be made to suffer in perpetuity having regard to his fundamental rights.

3. In view of the judicial pronouncement by this Court in the matter of **Satish Shankarro Shinde vs. The State of Maharashtra** in Criminal WP/1535/2019 decided on 26/11/2019 and in view of the law laid down by the High Court of Gujarat in the matter of **Bhikhabhai Devshi vs State of Gujarat and Others** reported in **AIR(GUJ) 1987 136**, we deem it appropriate to direct to release the Petitioner on furlough upon executing the two local sureties in addition to cash surety of Rs.2,00,000/-.

4. Needless to clarify that the Petitioner once released on furlough shall report to the police station within whose jurisdiction he intend to stay on every 3rd day between 10AM to 11AM. The Petitioner shall furnish entire details of his stay during the period his intention to avail furlough benefit.

5. The Petition stands disposed of.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)