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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1302 OF 2023

WITH

INTERIM APPLICATION NO. 2356 OF 2023

Firoz Abdul Salim Khan

...Petitioner.

V/s.

The State of Maharashtra & Others.

...Respondents.

Harjeet Kaur for the Petitioner.

Ms. S.D. Shinde, APP for the Respondent-State.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 13th September, 2023.

P.C. :

1. Learned Advocate for the Petitioner submitted that, in pursuance of Order dated 18th August 2023, the brother of Petitioner, Ramjan Khan has filed an Affidavit dated 25th August 2023, thereby taking responsibility to stand as surety for the Petitioner if he is released on furlough leave. She submitted that, as far as Clause 8 of Order dated 18th March 2022 is concerned, the Petitioner has been acquitted from the said case by the Additional Sessions Court, Walsad, Gujarat.

2. In view thereof, substantial ground for rejection of furlough application of petitioner recorded in Order dated 18th March 2022 as of today does not survive. We therefore direct the Competent Authority, i.e., the Deputy Inspector General of Prisons to re-consider the application of Petitioner for furlough leave in consonance with the Circular dated 11th August 2022.
3. Petition is accordingly disposed of by granting liberty to the Petitioner to file fresh petition in case the Competent Authority passes adverse Order.
4. In view of the disposal of Writ Petition No.1302 of 2023, Interim Application No.2356 of 2023 does not survive and is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)