



Judgment

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1

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

**CRIMINAL WRIT PETITION NO. 554/2024**

Abdul Nadeem Abdul Majid,  
aged 36, Convict No. C-6229,  
Central Prison, Amravati,  
Dist. Amravati.

... **PETITIONER**

**VERSUS**

1. State of Maharashtra through  
D.I.G. Prison (East), Nagpur.
2. The Superintendent of Central,  
Amravati, Dist. Amravati.

... **RESPONDENTS**

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Mr. A.Y. Sharma, Advocate for petitioner.  
Mrs. N. Tripathi, APP for respondent Nos. 1 and 2.

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**CORAM : VINAY JOSHI AND**  
**MRS. VRUSHALI V. JOSHI, JJ.**

**DATE : 20.09.2024.**

**ORAL JUDGMENT (PER VINAY JOSHI, J.) :**

Heard.

**2**

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel appearing for the parties.

3. The petitioner has been convicted for the offence punishable under Sections 307, 279, 338 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years. The petitioner has undergone sentence for the period more than one year. The petitioner has applied for grant of furlough leave which was rejected vide impugned order dated 30.04.2024 passed by respondent No.1 D.I.G. Prison, Nagpur.

4. The petition is resisted by reply on two counts. The petitioner has not furnished name of surety to the satisfaction of the authority and there is adverse Police Report. The learned APP submits that the petitioner's nephew is murdered, therefore there is likelihood that petitioner may commit an offence or there is danger to his life. We have gone through the Police Report which states that if the petitioner is released, there are chances of abscondence. The petitioner is having tendency of committing offences and there is murder in his family.

5. The petitioner has statutory right to get released on furlough leave for the purpose of assimilating in the society and maintaining the

**3**

relation with the family. The report itself indicate that the petitioner's conduct in Jail is appropriate. The adverse report is nothing, but mere speculation without specifying instances. Hence, the impugned rejection is not sustainable in the eyes of law. As regards to the surety is concerned, always it should be to the satisfaction of the authority.

6. In view of above, petition is allowed. We hereby quash and set aside impugned order dated 30.04.2024. We direct the authority to pass appropriate order of releasing petitioner on furlough leave by imposing conditions which they deem fit. The authority shall also impose a condition that the petitioner shall attend concerned Police Station on every Wednesday and Sunday in between 10.00 a.m. to 01.00 p.m. during the period of furlough leave.

7. Petition stands disposed of in above terms.

**(MRS. VRUSHALI V. JOSHI, J.)**

**(VINAY JOSHI, J.)**