



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

CRIMINAL WRIT PETITION No.601 OF 2024

(Rakesh Ravratan Waghmare Vs. State of Maharashtra, through Deputy Inspector General
of Prison, Eastern Region, Nagpur and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.P. Chvhan, Advocate for petitioner.
Ms. N.R. Tripathi, APP for respondents.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.
DATE : 27th NOVEMBER, 2024.

1. It is not in dispute that on earlier occasion i.e. in 2023 when the petitioner was released on furlough, no adverse incident was reported.

2. The rejection of prayer for furlough is based on following reasons :

a) There is a doubt about the competency of the surety as he is a property dealer and has not paid property taxes.

b) During the course of inquiry, none of the family members of the petitioner-convict were residing at the place.

3. If he consider the aforesaid reasons in the light of provisions of Section 4 of the Rules, it has to be noted that even on earlier occasion when the petitioner was released, he has duly honoured the conditions of his release.

4. Apart from above, just because the stretcher of status of surety is not appealing the competent authority that by itself

cannot lead to the rejection of surety as it is admitted position on record that the surety holds the immovable property.

5. Apart from above, the fact remains that the family members of the petitioner were gone to Bombay was known to the Inquiry Officer and it was as such open for the Inquiry Officer to revisit the place of residence of the petitioner for completing the inquiry.

6. In that view of the matter, we deem it appropriate to quash and set aside the impugned order dated 21st June 2024 with directions to the respondents to pass a fresh order having regard to the observations made herein above.

7. The petition stands allowed in the above terms.

8. Let the order be communicated to the petitioner within four weeks from today.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)