



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

CRIMINAL WRIT PETITION NO.793 OF 2024

Nilesh Shantaram Ajsaonkar (C-2407), Kishna Nagar, Dahanu Road, Dist. Palghar

-vs-

Deputy Inspector General Prison (East Region), Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Smt Ratna Singh, Advocate for petitioner.

Shri I. J. Damle, Additional Public Prosecutor for respondents.

CORAM : NTIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : January 15, 2025

1. Heard.

2. Prayer for furlough is rejected on two counts : (a) late surrender of the petitioner on earlier occasion by 5797 days and (b) as the petitioner is a member of Amar Naik gang, in case if released from prison, he is likely to be involved in offence.

3. As far as the issue of late surrender is concerned, same has been addressed vide Furlough Rules. Rule 7 contemplates that in case of late admission of the convict by the police after jumping the furlough, the violator like the petitioner would be entitled to be admitted for furlough leave five years after admission from overstay.

4. Admittedly period of five years is already expired in case of the petitioner.

5. Apart from above, the issue as regards the likelihood of the prisoner like the petitioner to be involved in crime if released, is dealt with by the Principal Seat in Criminal Writ Petition No.1926/2024

(Subhash S/o Prahlad Ghogare vs. The State of Maharashtra and ors.)
decided on 20/06/2024.

6. In this backdrop, the order impugned dated 06/08/2024 is hereby quashed and set aside.

7. It is directed that the petitioner be admitted to furlough leave on such terms and conditions as the Competent Authority may deem fit and proper to be imposed.

8. The petition stands allowed and disposed of.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)