
(2019) 07 BOM CK 0060

In the Bombay High Court

Case No : Criminal Writ Petition No. 960, 962 Of 2019

Dhananjay

APPELLANT

Vs

State Of Maharashtra And Ors

RESPONDENT

Date of Decision : 09-07-2019

Acts Referred:

Citation : (2019) 07 BOM CK 0060

Hon'ble Judges : T.V. Nalwade, J;K.K. Sonawane, J

Bench : Division Bench

Advocate : R.S. Banik, V. S. Chaudhary

Final Decision : Allowed

Judgement

T.V. Nalwade, J

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The present proceeding is filed to challenge the order passed by the respondents authority for rejection of furlough application. Reasoning given of adverse police report and also of the circumstance that son of the petitioner is not ready to stands as surety.

3. Though there is aforesaid mentioned in the order and police report, there is affidavit dated 05.01.2019 of petitioner's son and it shows that he was

ready to stand as surety. Learned counsel of the petitioner who is appointed by this Court submitted that he had contacted the son of the petitioner and

the son expressed that he is still ready to stand as surety if his father is released on furlough. In view of this circumstance, this Court holds that the

ground of absence of surety could not have been valid ground. There is other reason given that in the year 2002 when the petitioner was released on

furlough he turned up late to jail by 2719 days but that was in the month of April 2010 and since April 2010 till today the petitioner is continuously in

jail. His actual undergone period is more than 15 years and 3 months and considering remission period this period comes to more than 22 years. In view

of this circumstances, this Court holds that the previous conduct which was of prior to April 2010 cannot become a ground for rejection of the

furlough. In the result, following order :[?]

ORDER

1. The order of respondents are hereby set[?]aside.
2. The application for furlough is allowed, subject to usual terms and conditions and after given surety by the son of the petitioner he is to be released on furlough.
3. Rule made absolute in those terms
4. Fees of the learned Advocate Mr. R.S. Banik appointed on behalf of petitioner is quantified as Rs.3,000/[?] (Rupees Three thousand), which would be payable by the High Court Legal Services Sub Committee at Aurangabad.