
(2014) 01 BOM CK 0068

In the Bombay High Court

Case No : Criminal Writ Petition No. 776 of 2013

Dilip

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 13-01-2014

Acts Referred:

Citation : (2014) ALLMR(Cri) 1832 : (2015) 2 BomCR(Cri) 266

Hon'ble Judges : B.R. Gavai, J;A.S. Chandurkar, J

Bench : Division Bench

Advocate : Y.N. Thendre, Advocate (appointed), Advocate for the Appellant;
N.R. Tripathi, Additional Public Prosecutor, Advocate for the Respondent

Judgement

A.S. Chandurkar, J.—Rule. Rule is made returnable forthwith. Heard finally by consent of learned Counsel for the parties. By the present petition, the petitioner seeks to be released on furlough.

2. In the report dated 23/10/2013 filed by the Police Authorities, it is stated that when the petitioner was released earlier, no offence was registered against him. It is further stated that father of petitioner is willing to stand as surety to secure the petitioner's release on furlough.

3. In the impugned order dated 25/10/2013, the reason assigned for rejecting the application of petitioner for his release on furlough is that there is likelihood of petitioner threatening the witnesses, who have deposed against him in the trial. Besides this, there is no other reason assigned in the impugned order.

4. Considering the report dated 23/10/2013 and in view of the fact that the petitioner had reported back to Prison after his release earlier, we find that petitioner is entitled to be released on furlough.

5. In view of this, the impugned order dated 25/10/2013 is set aside. The petitioner is directed to be released on furlough in accordance with law. The rule is made absolute in the aforesaid terms. No order as to costs. The fee payable to

the learned Counsel appointed for the petitioner is quantified as rupees one thousand.