

(2017) 06 BOM CK 0078
In the Bombay High Court
Case No : 144 of 2017

Shri Mahesh M. Tari

APPELLANT

Vs

Inspector General of Prisons

RESPONDENT

Date of Decision : 30-06-2017

Acts Referred:

Citation : (2017) 06 BOM CK 0078

Hon'ble Judges : C. V. Bhadang, Prithviraj K. Chavan

Bench : DIVISON BENCH

Advocate : Ryan Menezes, M. Amonkar

Final Decision : Allowed

Judgement

1. Rule made returnable forthwith. The learned Additional Public Prosecutor waives service.
2. The petitioner is challenging the order dated 26/4/2017 passed by the respondent whereby the application for release on furlough filed by the petitioner has been rejected. The sole ground on which the application has been rejected is that the Superintendent of Police, South Goa, reported that when petitioner was released on furlough on previous occasion i.e. on 2/9/2016 the petitioner had committed breach of the conditions by "harassing, mocking and glaring angrily at the complainant Ms of Smt. Anushaya Tari." This is the only ground for rejection of the furlough.
3. On hearing the learned counsel for the petitioner and the learned Public Prosecutor, we are of the view that the nature of the allegations made against the petitioner are not sufficient to refuse furlough. We find that the apprehension expressed by the respondent, about the petitioner indulging in some aggressive behaviour can be taken care by imposing appropriate conditions. That apart, the petitioner has stated that during the period of furlough he will be staying with his niece at Sanguem. The complainant/witness Anushaya Tari resides at Shiroda. In such circumstances, the following order is passed: ORDER

(i) The petition is allowed. The impugned order dated 26/4/2017 is hereby set aside.

(ii) The petitioner shall be released on furlough as per rules, subject to execution of a bond of Rs.25,000/- (Rupees twenty five thousand only) on usual conditions. The applicant shall reside at the address of his niece as stated in the petition and shall not directly or indirectly threaten or intimidate the complainant or any other prosecution witness and shall undertake to surrender on completion of the period of furlough.

4. Rule is made absolute in the aforesaid terms.