

(2019) 01 BOM CK 0045

In the Bombay High Court

Case No : Criminal Writ Petition No. 226 Of 2018

Shrikant John Mane

APPELLANT

Vs

Inspector General Of Prisons And Ors

RESPONDENT

Date of Decision : 14-01-2019

Acts Referred:

Citation : (2019) 01 BOM CK 0045

Hon'ble Judges : Prithviraj K. Chavan, J;M.S. Sonak, J

Bench : Division Bench

Advocate : T. George John, P. Faldessai

Final Decision : Allowed

Judgement

M. S. Sonak, J.

1. Heard Mr. T. George John, learned Counsel appearing for the petitioner and Mr. P. Faldessai, learned Additional Public Prosecutor appearing for the respondents.
2. Rule. With the consent of and at the request of the learned Counsel for the parties, Rule is made returnable forthwith.
3. The challenge in this petition is to the order dated 6.12.2018 by which the petitioner's application for furlough came to be rejected.
4. The ground for rejection expressed is that the petitioner may interfere with the victim and the witnesses. The apprehension is also expressed that the petitioner may abscond, if released on furlough.
5. The nominal roll placed on record indicates that the petitioner was in fact released on parole for the period between 25.1.2017 and 7.2.2017 and on furlough for the period between 15.12.2017 and 4.1.2018. There were no complaints of breach of the terms subject to which parole and furlough was granted to the petitioner. The respondents have not substantiated the basis upon which such apprehension is expressed. No weightage is given to the

circumstance that on two previous occasions, the petitioner was infact released on parole and furlough. On these occasions there were no complaints of any untoward incident like the petitioner threatening the victim or the witnesses.

6. Taking into consideration the aforesaid circumstances, the impugned order is quashed and set aside. The respondents are directed to release the petitioner on furlough subject to usual terms and conditions. An formal order in this regard be made within a period of two weeks from today.

7. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

8. Authenticated copy of this order be expedited.