

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 CRIMINAL APPELLATE JURISDICTION
 CRI. WRIT PETITION NO. 538 OF 2005

Baban Uday Rajput

..Petitioner.

V/s.

The State of Maharashtra & Ors.

..Respondents.

Shri Madhav Jamdar for the Petitioner.

Shri V.B.Konde-Deshmukh, APP for Respondent No.1-State.

CORAM : A.M.KHANWILKAR, J.

DATED : FEBRUARY 28, 2005

PC :-

1. Heard counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Shri Konde-Deshmukh, APP waives notice for Respondents. As short question is involved, the petition is taken up for final hearing forthwith by consent.

3. The petitioner has challenged the order passed by the Deputy Inspector General of Prisons dated 18th June 2004, rejecting the petitioner's request for furlough leave. The ground stated in the impugned order is that the petitioner is a dangerous person and there is apprehension to the prosecution witnesses, if

the petitioner was to be released. This apprehension can be taken care of by imposing strict condition on the petitioner that he shall not enter district Sangli during the furlough leave; if the petitioner was to comply with any other appropriate conditions to be imposed by the competent authority. Moreover, I find substance in the argument of the petitioner that the co-accused has been directed to be released on furlough leave by this court in criminal writ petition No. 1807/2003, even the present petitioner deserves the same benefit.

4. Accordingly, this petition succeeds by setting aside the order passed by the competent authority, which is impugned in this petition with further direction to the competent authority to release the petitioner on furlough leave on such conditions as may be appropriate including that the petitioner shall not enter district Sangli during the leave period.

5. Petition is allowed in the above terms.

6. Ordered accordingly.

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