

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (FURLOUGH LEAVE) NO. 6111 of
2025**

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NARAYAN@NARAYAN SAI@MOTA BHAGWAN S/O ASHARAM @
ASHUMAL HARPALANI THRO ASHWANI JAYESHKUMAR GOVINDRAM

Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR GAJENDRA P BAGHEL(2968) for the Applicant(s) No. 1

MR HARDIK DAVE, PP WITH

MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 30/04/2025

ORAL ORDER

1. This petition under Articles 21 and 226 of the Constitution of India has been filed by the petitioner challenging the order dated 27.03.2025 passed by the Inspector General of Prison, whereby the application filed by the petitioner seeking furlough leave was dismissed.

2. Learned advocate appearing for the petitioner has submitted that the petitioner is lodged in jail since 04.12.2013. He had filed an application seeking furlough leave before the concerned authority, which came to be dismissed vide impugned order. The reasons given by the authority for dismissing the application filed by the petitioner are flimsy and not germane to law.



2.1 Learned advocate for the petitioner has submitted that the petitioner has undergone incarceration of almost 12 years. The petitioner has not seen his father since last 12 years. The father of the petitioner is aged person and is lodged in the jail at Jodhpur in connection with another offence. The instances of the offences registered after the arrest of the present petitioner, which are narrated in the impugned order has no connection whatsoever with the petitioner. The petitioner was lastly released on the Year-2021 for the period of 4 days on the ground of illness of his mother. Thereafter, he has never been considered for any release. He, therefore, submitted to allow the present petition and enlarge the petitioner on furlough leave subject to suitable conditions.

3. Learned PP has opposed the present petition, inter alia, contending that the concerned authority has considered all the relevant aspects, which are required to be taken into consideration while deciding the application for furlough leave filed by the convict. The reasons given by the competent authority for rejecting the application filed by the petitioner are valid reasons.

3.1 Learned PP has submitted that this Court had considered the case of present applicant for grant of furlough leave vide order dated 24.06.2021. The said order was carried to the Apex Court by the State and the same was quashed and set aside by the Hon'ble Apex Court, and thereafter, the applicant had filed Criminal Misc. Application No.3 of 2024 in Criminal Appeal No.1756 of 2019. In the said matter, the Coordinate Bench of



this Court, vide order dated 18.10.2024, had considered the case of the applicant for temporary bail for a limited period. However, the said release was not availed by the petitioner for the reasons best known to him.

3.2 Learned PP has submitted that having regard to the reasons given by the competent authority while rejecting the application filed by the petitioner for furlough leave, no case is made out for interference at the hands of this Court. He, therefore, submitted to dismiss the present petition.

4. Heard learned advocates for the parties and perused the material available on record. By filing the present petition, the petitioner has sought to challenge the order dated 27.03.2025 passed by the Inspector General of Prisons, whereby the application for furlough leave filed by the applicant has been dismissed. The petitioner herein has been convicted for an offence punishable under Sections 376(2)(c), 377, 354, 504, 506(2), 508 and 323 of the IPC and is sentenced to undergo life imprisonment with fine of Rs.2,40,500/-.

5. The petitioner herein is involved in religious activities and hence, a huge following. The record indicates that after the arrest of the petitioner in the present offence, several offences have been registered against the disciples of the petitioner either for threatening the witnesses or for assaulting the witnesses. The offences, which are registered against the disciples of the petitioner are punishable under Sections 307, 326(A) etc. of the IPC. The record also indicates that the petitioner had tried to approach the government officials and had also made an attempt



to bribe them. This conduct on the part of the petitioner and his disciples give an indication that the release of the petitioner on furlough leave can be detrimental to the law and order situation at large and there is a possibility of an untoward incident happening because of the release of the petitioner. The authority concerned cannot be said to have committed an error in dismissing the application filed by the petitioner for grant of furlough leave for the aforesaid reasons. Moreover, the jail remarks submitted by the learned PP indicate that the conduct of the petitioner in jail is also not good and he has been visited with several jail punishments for his conduct in the jail. In view of the provisions of Section 4(4) and 4(5) of the Bombay Furlough and Parole Rules, the application filed by the petitioner for furlough leave appears to have been rightly dismissed by the competent authority. It is also required to be noted that as per the settled law, the grant of furlough leave is not a matter of right for the convict. Having regard to these aspects, no case is made out to release the present petitioner on furlough leave. Hence, the present petition stands dismissed.

GIRISH

(M. R. MENGDEY,J)