

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (FURLOUGH LEAVE) NO. 9960 of
2025**

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RAFIUDDIN SAFRUDDIN KAPADIA
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR Z F BHARDA for MR A N PATHAN(11756) for the Applicant(s) No. 1
MR KSHITIJ AMIN for the Respondent(s) No. 1
MR TRUPESH KATHERITYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 25/07/2025****ORAL ORDER**

1. The present application has been filed by the applicant seeking furlough leave.
2. Heard learned Advocate for the Applicant, learned advocate for the Respondent and learned APP appearing on behalf of the Respondent – State.
3. Rule returnable forthwith. Learned APP waives service of Rule on behalf of the Respondent State.
4. From the report it appears that the applicant had referred an application seeking furlough leave before the Inspector General (Prisons) which came to be dismissed by the concerned authority vide order dated 27.02.2025. The reason being, the offence alleged against the applicant being serious in nature, the provisions of section 303(1) of Bharatiya Nagarik Suraksha

Sanhita have been invoked against the applicant and that the police authorities have expressed negative opinion as regards release of the applicant.

5. Learned advocate appearing for the applicant submitted that the applicant has undergone incarceration for a period of 17 years. The applicant had been released on temporary bail and parole leave in the past and no untoward incident had taken place on those occasions. He further submitted that the presence of the present applicant is necessary with his family for making the financial arrangements for the family and for education of the children. He therefore submitted that the applicant be enlarged on furlough leave subject to suitable conditions.

6. Learned advocate Mr. Kshitij Amin appearing for the respondent has opposed the application contending that the applicant has been convicted for a serious offence of Bomb Blast. He therefore submitted to dismiss the present application.

7. Heard learned advocates for the parties. From the material available on record, it appears that the applicant has been convicted for offences punishable under the Provisions of Unlawful Activities (Prevention) Act, Explosive Substance Act and the Indian Penal Code and is sentenced to undergo Life Imprisonment. The application filed by the applicant for furlough leave before the authorities has been rejected mainly on the grounds of the Provision of Section 303(1) of BNSS being invoked against him and the negative opinion of the police. The jail remarks indicates that the applicant had been ordered to be

enlarged on temporary bail in the month of July 2023 prior there too, in the month of July 2022, the applicant was ordered to be enlarged on parole leave for 14 days. There is nothing on the report to indicate that during his temporary release on the above two occasions, anything untoward had happened.

8. Having regard to these aspects, this court is inclined to exercise discretion in favour of the applicant.

9. The application is allowed. The Applicant is ordered to be released on Furlough Leave with the Police Escort at the cost of the applicant for a period of 14 days from the date of actual release, upon furnishing a personal bond of Rs. 5,000/- (Rupees Five Thousand only) with a surety of the like amount to the satisfaction of the jail authority, and on a further condition that the Applicant shall surrender to the Jail authorities on expiry of the Furlough Leave Period.

10. The application is allowed in the aforesaid terms. Rule is made absolute.

AHS

(M. R. MENGDEY,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIT SONAGARA(HCD0079), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 29/07/2025 18:59:49