

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 291 OF 2015

KASHIRAM @ PINTYA RAM SALUNKE CON.NO.-C-130
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Petitioner : Through Jail Smt. S.P. Chate (appointed)
APP for respondent : Mr. K.M. Suryawanshi.

WITH

CRIMINAL WRIT PETITION NO. 505 OF 2015

MOHD. MAJLUM DOST MIYAN ANSARI
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Petitioner : Through Jail Mr. S.P. Telgote (appointed)
APP for respondent : Mr. K.M. Suryawanshi.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN JJ.
DATE : 5TH MAY, 2015.**

PER COURT:

1] Today, learned APP has filed reply affidavit in both the proceedings. Both these Criminal Writ Petitions are filed for grant of furlough leave. So far as Criminal Writ Petition No. 291 of 2015 is concerned, the petitioner therein has undergone sentence of almost 13 years and with remission, the period comes to more than 16 years. So far as Criminal Writ Petition No. 505 of 2015 is concerned, the petitioner therein has undergone sentence of almost 12 years and including remission period comes to more than 16 years. Both the petitioners are behind bars as they could not furnish any surety and they are not released on any occasion on either furlough or parole.

2] It is within the discretion of the authorities to release the petitioners on P.R. Bond. The petitioners must have earned some amount as they are behind the bars for almost 13 years. The authorities can even order their release on Cash Security as the amount is lying with Jail Authorities.

3] Submission is made on behalf of the respondent/State that the petitioners have not made applications for grant of furlough and unless and until applications are made, the authorities cannot pass any order.

4] In view of the above, we direct that the petitioners would be entitled to file applications for furlough and it is for the jail authorities to take a decision on the said applications. After decision is taken by the authorities and if it goes against the petitioner/s, the petitioner/s would be at liberty to come to this Court again. With these observations, both the Criminal Writ Petitions are disposed of. Fees in both the proceedings to be paid to the respective Advocate appointed, is quantified at Rs. 1,500/- in each matter. Authenticated copy of this order be sent to both the petitioners through the Superintendent of Jail. With these observations, both the Criminal Writ Petitions are disposed of.

[SMT. I.K. JAIN]
JUDGE

[T.V. NALAWADE]
JUDGE.

grt/-