

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 565 OF 2015**

PRABHAKAR VISHWANATH SONWANE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. Petkar N.B. (Appointed)

APP for Respondent/State : Mr. K.S. Patil

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.**Dated: June 17, 2015**

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PER COURT :-

This Petition is filed with a prayer to release the petitioner on furlough leave on P.R. bond.

2. It appears that, the petitioner was granted furlough leave by order dated 27.11.2014 by the respondent on certain conditions. One of the conditions was to furnish surety. As a matter of fact, the petitioner given name of surety, however, before all the formalities are completed, according to the petitioner surety was hospitalized. Therefore, the petitioner again applied for modification of earlier order. According to the petitioner, since the petitioner-convict is undergoing imprisonment in Open Prison, the Authorities should not have insisted for surety for his release on furlough leave and he should have been released on P.R. bond. It appears that, considering the request of the petitioner, by order dated 3rd February, 2015,

it was ordered that, the petitioner be released on furnishing P.R. bond. By order dated 11th March, 2015, the Respondent Authority extended the time to avail the furlough leave till 27th March, 2015. However, all the formalities were not completed prior to the said date and therefore, the petitioner was not released on furlough.

3. It is not in dispute that, the petitioner-convict is undergoing sentence in Open Prison, and therefore, keeping in view the judgment of the Full Bench of Gujarat High Court in the case of **Natia Jiria Vs State of Gujarat aand others¹** and the Division Bench of this Court in the case of **Dipak Sakharam Wakalekar Vs State of Maharashtra & ors²**, the petitioner's prayer to release him on furlough on P.R. bond ought to have been acceded to by the Authority. It is not possible for this Court to accede to the prayer of the petitioner to extend the time since it would fall within the domain of the Respondent Authority. However, ends of justice would meet in case the Respondent is directed to consider the application of the petitioner afresh, for furlough leave and decide the said expeditiously. In the result the following order :-

ORDER

(i) In case the application is filed by the petitioner, the Respondent Authority shall decide such application, as

1 1984 Cri.L.J. 936

2 [2011(2)Bom.C.R.(Cri) 586]

expeditiously as possible, however preferably within 10 days from receiving such application without insisting for surety and subject to fulfillment of other conditions.

4. The Writ Petition is disposed of in the above terms.

(**A. I. S. CHEEMA, J.**)

(**S.S. SHINDE, J.**)

sga/-

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