

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

CRIMINAL WRIT PETITION NO. 695 OF 2015

ANANDA KHANDU JHALKE (C/180) ..PETITIONER.

VERSUS

THE STATE OF MAHARASHTRA ..RESPONDENT.

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Advocate for Petitioners (Through Jail): Mr.Mundhe S.H.
(Appointed)

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

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CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.

Dated: JUNE 30, 2015.

COURT ORDER :

1. Rule, returnable forthwith. By consent of the parties, taken up for final hearing.

2. The petitioner, by way of this petition under Article 226 of the Constitution of India, seeks directions to the respondents to sanction leave of furlough and release him for the period of two weeks on executing personal bond.

3. It appears that the petitioner was convicted for the

offences punishable under Sections 302 and 498-A of IPC and sentenced to undergo life imprisonment. The petitioner was undergoing sentence in the Nashik Road Central Prison, Nashik. He filed an application for furlough for the period of two weeks with the office of the Deputy Inspector General of Prisons, Central Region, Aurangabad through the Superintendent, Nashik Road Central Prison, Nashik. By order dated 28th March, 2014, said authority was pleased to direct release of the petitioner on furlough on his executing personal bond of Rs.2000/- and other conditions as stipulated in the said order. However, before completing the formalities so as to execute the order dated 28th March, 2014 passed by the Deputy Inspector General of Prisons, Central Region, Aurangabad, the petitioner was transferred from Nashik Road Central Prison, Nashik to Visapur District Open Jail, Visapur, District Ahmednagar. Due to the said transfer, the region is changed from Central Region, Aurangabad to Western Region, Pune. Therefore, in the change of circumstances, the sanctioning authority is Deputy Inspector General of Prisons, Western Region, Pune.

4. The learned Counsel for the petitioner submits that

already the petitioner's prayer for releasing him on furlough was favourably considered by the Deputy Inspector General of Prisons, Central Region, Aurangabad. Therefore, there is no impediment to give directions to the Deputy Inspector General of Prisons, Western Region, Pune to release the petitioner on furlough for a period of two weeks on his executing personal bond since the petitioner is now transferred to Visapur District Open Jail, Visapur, District Ahmednagar.

The learned APP has tendered across the Bar affidavit-in-reply and submits that this Court may pass an appropriate order in view of the documents placed on record.

5. We have heard submissions of the learned Counsel for the parties. We do not see any reason for not to consider the request of the petitioner to release him on furlough for two weeks on personal bond by the Deputy Inspector General of Prisons, Western Region, Pune since the petitioner is now lodged in Visapur District Open Jail, Visapur, District Ahmednagar.

6. In view of the judgment of this Court in case of ***Dipak s/o Sudhakar Vakalekar vs. State of Maharashtra & Ors.***,¹ the petitioner can be released on furlough on his executing personal bond.

7. In the circumstances, we direct the Deputy Inspector General of Prisons, Western Region, Pune to take a decision about sanctioning furlough to the petitioner, as expeditiously as possible and preferably within a period of two weeks from today. In the event of passing an order of releasing the petitioner on furlough, the authority concerned should not insist for surety and on executing personal bond by the petitioner, the authority concerned shall release the petitioner on furlough.

Petition is allowed to the above extent. Rule is made absolute, accordingly. Petition stands disposed of. Parties to act upon authenticated copy of this order.

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

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

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¹ 2011 ALL MR (Cri)1933;