

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

CRIMINAL WRIT PETITION NO. 818 OF 2015

AKRAM @ RAJA S. MOHAMMAD SHAIKH ..PETITIONER.
VERSUS
THE STATE OF MAHARASHTRA ..RESPONDENT.

...
Advocate for Petitioner (Through Jail) : Mr.R K Ashtekar
(appointed)
APP for Respondents: Mr.M.M. Nerlekar.
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**CORAM : S.S. SHINDE &
A.I.S. CHEEMA, JJ.**

Dated: JULY 16, 2015

COURT ORDER:

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

2. The petitioner had applied for furlough on 20th March, 2015. the said application was considered by the authorities and he was granted furlough on condition that petitioner should execute personal surety bond of Rs.15000/- and one surety bond of

relative guarantor and also one surety bond of non relative guarantor in the like amount. It is contention of the petitioner that he has complied with first two conditions but, could not comply with the condition of non relative surety guarantor. As a result, he is not released on furlough. Therefore, by way of this petition, the petitioner has prayed to quash and set aside the third condition of furnishing surety bond of non relative guarantor.

3. We have heard the learned Counsel for the petitioner and learned APP for the State. It is not in dispute that the petitioner – convict is undergoing imprisonment in Open Prison at Paithan.

4. In that view of the matter, in the facts and circumstances of the case, the third condition of furnishing surety bond of non relative guarantor imposed by the authority on the petitioner is quashed and set aside. The respondent – authority is directed to

release the petitioner on furlough after verifying that already he has executed personal surety bond of Rs.15,000/- and one surety bond of relative guarantor in the like amount.

Petition is disposed of on above terms. Rule made absolute accordingly. Parties to act upon authenticated copy of this order.

(A.I.S. CHEEMA, J)

(S.S. SHINDE, J)

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