

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL WRIT PETITION NO. 1020 OF 2015

NARAYAN WAMANRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner (Through Jail): Mr. A.D.
Gadekar (Appointed)
APP for Respondents/State: Mr.K.S. Patil.

...
CORAM : S.S. SHINDE & A.M. BADAR, JJ.
Dated: AUGUST 24, 2015

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The learned Counsel for the petitioner submits that the competent authority has passed order for release of the petitioner on furlough. However, the petitioner has been asked to furnish surety. He submits that the petitioner is undergoing imprisonment in Open Prison, Paithan. Therefore, he submits that the condition of furnishing surety may be dispensed with by allowing the petitioner to furnish Personal Bond.

2 The learned APP, on written instructions, submits that the petitioner was released on

furlough on four occasions and on parole on two occasions and he had reported back within time. The fact that the petitioner is lodged in Open Prison is also not in dispute.

3 The point raised in this petition is no more *res integra* and it is covered by the judgment of the Full Bench in case of ***Dipak s/o Sudhakar Wakalekar vs State of Maharashtra and Ors.*** [2011 ALL MR (Cri) 1933] wherein it is held that, if the convict is confined in an open prison, he can be released on furlough by dispensing with the requirement of execution of bond by relatives. After decision of the Full Bench referred above, the Division Bench of this Court in case of ***Dipak s/o Sudhakar Wakalekar vs State of Maharashtra and Ors.*** (Criminal Writ Petition No.848 of 2010 with Criminal Writ Petition No.954 of 2010 (Aurangabad) decided on 6.6.2011) directed that the the petitioners therein be released on furlough / parole on the strength of the personal bond submitted by them as the petitioners were confined in open prison.

4 In the light of above, respondents are directed to release the petitioner on furlough on his furnishing Personal Bond. However, upon fulfilling other conditions.

Petition stands disposed of. Learned APP to communicate this order to the Superintendent of

Open Prison, Paithan, District Aurangabad and the concerned authorities. Parties to act upon authenticated copy of the order.

5 We direct the Inspector General of Police (Prison), Maharashtra State to circulate the judgment of the Full Bench of this Court in case of ***Dipak s/o Sudhakar Wakalekar vs State of Maharashtra and Ors. [2011 ALL MR (Cri) 1933]*** and also the judgment of Division Bench of this Court in case of ***Dipak s/o Sudhakar Wakalekar vs State of Maharashtra and Ors. (Criminal Writ Petition No.848 of 2010 with Criminal Writ Petition No.954 of 2010 (Aurangabad) decided on 6.6.2011)*** to all the concerned so as to take necessary note of the same and act accordingly. The learned APP undertakes to send copies of the aforesaid judgments to the Inspector General of Police (Prison), Maharashtra State.

(A.M.BADAR, J)

(S.S. SHINDE, J)