

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

APPELLATE SIDE JURISDICTION.

CRIMINAL WRIT PETITION NO.1046 OF 2015.

Parvez Gulam Rasool Ansari.

Convict No.C-65.

Vasapur District Open Prison, Visapur,

District – Ahmednagar.

.. **PETITIONER.**

VERSUS

The State of Maharashtra.

Through the Deputy Inspector General
of Police (Prison),

Western Region, Yerwada, Pune.

District Pune.

.. **RESPONDENT.**

Mrs. S.T. Kazi, Advocate [Appointed] for the Petitioner.

Mr. M.M. Nerlikar, Additional Public Prosecutor for the State of
Maharashtra.

**CORAM : A.B.CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE : 07/09/2015.

JUDGMENT :- (Per Indira K. Jain, J.)

Rule. Rule is made returnable forthwith. Heard finally
with the consent of learned counsel for the parties.

[2] The grievance made in this Writ Petition received
through Jail is as regards the rejection of application of petitioner for
grant of furlough on P.R. Bond or cash security, as petitioner has no
other relative except his old aged mother. Petitioner was convicted

of the offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life vide Judgment and Order dated 24th March, 2005 passed by learned Sessions Judge, Thane. Since 11 years he is behind bars.

[3] As previous application for grant of furlough was not considered, Petitioner filed Writ Petition No.450 Of 2015. Vide order dated 8th May, 2015, the Division Bench of this Court, to which one of us was the Member (Indira K. Jain, J.) observed in paragraph 2 as under :-

“ The petitioner is convicted and sentenced for offence punishable under Section 302 Indian Penal Code and since 15-7-2004 he is behind the bars. He is now kept in Paithan Open Prison. This circumstance is certainly in his favour. As he is behind the bars for more than 11 years, he must have earned wages and in the wage register there must be sufficient amount in the jail. This amount can be considered as cash security by the authority.”

[4] Respondent No.2 while reconsidering application for furlough observed vide order dated 16th June, 2015 that, petitioner cannot be released on P.R. Bond in accordance with the Rules and surety is essential for furlough. It appears that Respondent No.2 has not properly understood the import of order dated 8th May, 2015 passed by this Court.

[5] We have considered Rule 6 of the Prisons (Bombay Furlough & Parole) Rules, 1959. As per Rule 6 of the Prisons (Bombay Furlough & Parole) Rules, 1959, a convict confined in open prison can be released on bond by the relatives and proviso to Rule

6 empowers the Sanctioning Authority to dispense with the requirement of execution of such bond by relatives of prisoners confined in Open Prison as defined in clause (b) of rule 2 of the Maharashtra Open Prisons Rules, 1971. Petitioner has consistently submitted that except his old aged mother, he has no other relative.

[6] In this premise and in the light of the order passed by this Court dated 8th May, 2015, we quash and set aside the impugned order dated 16th June, 2015. Rule is made absolute in terms of prayer clauses (a) and (b). Writ Petition is disposed of.

[7] Fees of the learned counsel appointed is quantified at Rs.1500/- (Rs. One Thousand Five Hundred.)

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]