

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. 1049 OF 2015

RAMU APPA MAHAPATRE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Through Jail.
APP for Respondents/State: Mr.S.B. Pulkundwar.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: AUGUST 24, 2015

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Heard learned APP appearing for the state.

2 This petition takes exception to the condition insisting upon to furnish surety while releasing the petitioner on furlough. It is not disputed that the petitioner is undergoing imprisonment in Open Prison. A limited prayer in this petition is to direct the respondents to release the petitioner on furlough only on his executing personal bond.

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, Visapur, District Ahmednagar and the concerned authorities. Parties to act upon authenticated copy of the order.

(A.M.BADAR, J)

(S.S. SHINDE, J)