

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 1050 OF 2015**

RAJARAM BAPU CHOUGULE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Through Jail
APP for Respondent/State : Mr. K.S. Patil

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

Dated: August 26, 2015

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PER COURT :-

The petitioner is aggrieved by insistence of the Respondent Authorities to furnish surety. According to petitioner, since the petitioner-convict is undergoing imprisonment in Open Prison, the Authorities should not have insisted for surety for his release on furlough leave and he should have been released on P.R. bond.

2. The learned Additional Public Prosecutor appearing for the Respondent/State fairly concedes the position in law stated by the Full Bench of Gujarat High Court in the case of **Natia Jiria Vs State of Gujarat aand**

others¹ and the Division Bench of this Court in the case of

¹ 1984 Cri.L.J. 936

Dipak Sakharam Wakalekar Vs State of Maharashtra & ors². Since the petitioner is undergoing imprisonment in Open Prison at Visapur, he can be released on furnishing personal bond in view of the said judgments.

3. In the light of above, the impugned order to the extent of insisting petitioner to furnish surety and refusing to release him on furlough leave on furnishing P.R. bond, stands quashed and set aside. The Respondents are directed to release the petitioner on furlough leave on furnishing personal bond of Rs. 5,000/- (Rs. Five thousand), however, subject to fulfilling all other conditions, if any, within 15 days from today.

4. The Writ Petition is disposed of in the above terms.

(**A.M. BADAR, J.**)

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

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