

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. 1128 OF 2014

SHAHWEJ @ SHABBU ABDUL KARIM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : (Through Jail) Mr. V P Golewar
(appointed).
APP for Respondents/State: Mr.S.D. Kaldate.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.
Dated: FEBRUARY 17, 2015

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Heard learned Counsel for the parties. This petition has been filed praying therein for directions to the respondents / authorities to release the petitioner on furlough on his executing personal bond.

2 It appears that, nobody is ready to stand as surety for release of the petitioner on furlough. In the circumstances, this petition has been filed with the aforesaid prayer. The learned Counsel (appointed) for the petitioner, in support of his

contention that the petitioner can be released on executing personal bond, placed reliance on the reported judgment of this Court in case of **Dipak s/o Sudhakar Vakalekar vs. State of Maharashtra & Ors.**¹ and an unreported judgment dated 23rd April, 2012 in the case of **Ravindra s/o Umaji Gunjkar vs The State of Maharashtra & Ors.** in Criminal Writ Petition No.153 of 2012 and submitted that the petition deserves to be allowed.

3 On the other hand, learned APP appearing for the State has tendered across the Bar a copy of the order passed by the Deputy Inspector General of Prison, Central Division, Aurangabad and submitted that nobody is willing to stand as surety for the petitioner. A report to that effect has been received from the Superintendent of Police, Rampur, Uttar Pradesh stating that even father of the petitioner in his statement stated that the petitioner should not be released on leave till he completes his sentence and he may be retained in prison till then.

4 Upon hearing the learned Counsel for the petitioner and learned APP for the State and perusal of the order passed by the Jail Authorities and all material placed on record, it appears that

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nobody is ready to stand as surety for the petitioner. The petitioner is resident of State of U.P. and the adverse report received from the concerned authority unequivocally indicates that even, father of the petitioner states that the petitioner should not be released on furlough till completion of his sentence. Though, the learned Counsel for the petitioner has placed reliance on the aforementioned two judgments of this Court, the facts of the present case completely stand on different footings inasmuch as, the petitioner herein is resident of State of U.P. and secondly, in view of the police report received from the concerned authority, it would not be in the fitness of the things to accept the prayer of the petitioner to release him on furlough on his executing P.R. Bond.

5 Therefore, in the light of the discussion herein above, in our opinion, prayer of the petitioner cannot be accepted. However, as and when surety is ready to stand for his release of the petitioner on furlough, the petitioner will be at liberty to get his prayer revived for releasing him on furlough.

Petition stands rejected.

(A.M. BADAR, J)

(S.S. SHINDE, J)