

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

CRIMINAL WRIT PETITION NO. 1349 OF 2015

VINOD @ NARHARI BAPURAO SONTAKKE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr V. P. Kadam
APP for Respondents: Mr A S Shinde

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: November 30, 2015

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PER COURT :-

1. This application is received through jail wherein the applicant has requested for grant of furlough on cash security.
2. Mr. Kadam, the learned counsel is appointed. He has filed proper petition.
3. Mr. Kadam, the learned counsel submits that the sureties named are not ready to stand as sureties. Petitioner is ready to give cash security. Learned counsel submits that in the year 2011 also the petitioner was granted furlough and he has reported to the jail on his own. Learned counsel submits that the allegations that the complainant has a threat of life if the applicant is released is erroneous.

4. Mr. Shinde, the learned APP submits that the report received is adverse to the applicant. Complainant has reported that if the applicant is released then there is threat to his life. Even the report with regard to sureties is adverse. The order is rightly passed.

5. We have considered the submissions. Rule 10 of the Prison (Bombay Furlough and Parole) Rules, 1959 allows sanctioning authority to grant furlough to a prisoner subject to executing a Personal Bond or giving cash security in the form 'C' appended to these rules. Release will further be subject to all or any of the following conditions as laid down in Section 10 of Prison (Bombay Furlough and Parole) Rules, 1959.

“S.10. Conditions of release -

The Sanctioning Authority shall grant furlough to a prisoner subject to his executing a personal bond or giving cash security in Form C appended to these rules and also subject to a surety executing a bond, in Form A appended to these rules, if so required. The release may further be subject to all or any of the following conditions :-

- (1) that the said prisoner shall reside at Taluka in the District/Greater Bombay during the period of release on furlough and shall not go beyond the limits of the said District/ Greater

Bombay without the permission of the District Magistrate,/Commissioner of Police, Greater Bombay, or such Officer as the said District Magistrate/Commissioner of Police may appoint in this behalf;

- (2) that the said prisoner shall be of good behavior and shall not commit any offence punishable by or under any law in force in India,
- (3) that the said prisoner shall not associate with bad character or lead a dissolute life,
- (4) that the said prisoner shall, in case he proposes to change his religion during the period of furlough, give a minimum of seven days prior intimation to the said District Magistrate/Commissioner of Police as also the Superintendent of the Prison from which he has been released, about such intention, and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposes to adopt.
- (5) that the said prisoner will surrender himself to the Superintendent of the Prison from which he was released on the expiry of the period of furlough.
- *(6) that the said prisoner will report once a day to the officer in charge () police station during the period of furlough,

or

that the said prisoner shall, immediately on arrival at the place mentioned in (1) above report at the police station nearest to the said place, and thereafter*

***To be inserted in appropriate cases and with such modifications as the Sanctioning Authority deems fit."**

6. Considering the provisions of Rule 10, the applicant can be released on cash security and a personal bond with imposing condition as laid down in Rule 10 referred supra.

7. It is found that the applicant is working as a night watchman in the prison and his conduct appears to be good. Earlier also when he was granted furlough, he has reported on his own and within the time prescribed. Considering the aforesaid aspects of the matter, we are inclined to consider the application. The Respondent Authorities shall grant furlough to the petitioner for 30 days on his furnishing personal bond and cash security of Rs.10,000/- (Rs. Ten Thousand) and shall impose condition that he shall reside at Taluka Vasmat District Hingoli during the period of release on furlough and shall not go beyond the limits of Taluka Vasmat District Hingoli. Further condition should be imposed that he shall report to the Vasmat Taluka police Station every alternate day during his release on furlough and on lapse of the said period of furlough shall report to the

Jail.

8. Writ Petition is disposed of.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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