

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION (CWP) NO. 398 OF 2015

(Anil Uttamrao Jagdale vs. The D.I.G. Prison (E)(R), Nagpur & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
JULY 10, 2015.**

Heard Ms. Bhawsagar, learned counsel (appointed) for the applicant and Shri Mirza, learned APP for the non-applicant.

The petitioner is in jail since last 15 years and from records it appears that he has never been late in reporting either after parole or furlough leave. His furlough leave is rejected on the ground that his surety has met with some accident and, therefore, is not competent.

After hearing the respective counsel, we find the reason insufficient. Nature of injury suffered by the said surety is also not disclosed in the impugned order. We, therefore, quash and set aside the order dated 22.04.2015. It appears that injured surety has declined to stand as such. Hence, if he is not willing to accept the responsibility, we grant the petitioner leave to furnish alternate surety.

It is open to the petitioner to produce such injured surety and after obtaining necessary bond/undertaking, the petitioner shall be released on

furlough leave within a period of two weeks from today.

With these directions, writ petition is partly allowed and disposed of.

The charges for the learned counsel appointed for the petitioner are fixed at Rs.1,500/- (Rs. One thousand five hundred only).

JUDGE

JUDGE

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