

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

CRIMINAL WRIT PETITION NO.359 OF 2016

Hari S/o. Kisan Dhage
Age-Major, Occu- Nil,
Original R/o. Ridhura,
Presently in Central Prison,
Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra

..RESPONDENTS

2. D.I.G. Prison, Aurangabad

3. District Superintendent of Police,
Nanded,

Mr. S.R.Shirsat (Appointed), Advocate for the petitioner
Mr. M.M. Nerlikar, A.P.P. for the respondents/ State

**CORAM : A.V.NIRGUDE &
V.K. JADHAV, JJ.**

DATED : 27.06.2016

P.C. :-

1. The petitioner has challenged the order dated 11.01.2016 passed by the D.I.G. Prison Central Zone, Aurangabad refusing the furlough leave to the petitioner, who is in jail since 2013. In 2014, the petitioner was granted parole leave on the ground of his wife's illness. But the petitioner did not surrender in time and was

required to be arrested after 42 days. A separate offence is also registered against him. Now this appears to be first attempt on the part of the petitioner to seek furlough leave. During the process of application, the police found that the petitioner's cousin Prakash is not willing to stand surety for the petitioner.

2. Having regard to the background facts we are, inclined to allow the petitioner's application for furlough leave only on condition that one of his close relatives should stand surety for him.

3. The petition is allowed in terms of following order.

"The D.I.G.(Prison), Central Zone, Aurangabad shall grant petitioner's Furlough Leave on his furnishing surety of his close relative, in addition to such other conditions that may be prescribed to the petitioner".

4. Registry to pay the fees to the appointed Advocate as per Rules.

(3)

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5. The Criminal Writ Petition stands allowed and disposed of accordingly.

[V.K JADHAV,J.]

[A.V.NIRGUDE,J.]

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