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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 2485 of 2015

Danny @ Harpalsingh Krupalsingh .. Petitioner

v/s.

The State of Maharashtra . ..Respondents

Mrs. Rohini Dandekar, Advocate appointed for the Petitioner.
Mrs. S.D.Shinde, APP for the Respondent/State.

**CORAM : SMT. V.K.TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 27, 2016.**

P.C.

1. Rule. By consent of the parties, rule is made returnable forthwith.

2. The petitioner had preferred an application for furlough. The said application came to be granted. In the order granting furlough it was directed that the petitioner should be released on furlough on executing bond of Rs.5000/- with one surety of any relative (guarantor) and the second non related guarantor shall be Teacher,

Police Patil, Sarpanch or Gram Sevak who will execute bond in the sum of Rs.5000/-. The prayer of the petitioner is that he should be released on furnishing ordinary surety.

3. The learned APP pointed out that the petitioner wants to spend the furlough period in the State of Rajasthan and in view of the circular dated 24.8.2012, if the prisoner wants to spend his furlough period out of the State, then he should produce one surety who is Police Patil or Sarpanch or any other respectable person from the village. However, we find that the petitioner has been asked to furnish surety of Teacher, Police Patil, Sarpanch or Gramsevak only. The circular clearly states that surety of any respectable person from the village can also be furnished. In this view of the matter, the condition in the order granting furlough to the petitioner on furnishing surety of any Teacher, Police Patil, Sarpanch or Gramsevak is set aside and the petitioner be released on furlough on the petitioner furnishing surety of any respectable person from the village. He shall be released on usual terms and conditions as set out by the jail authorities.

4. Rule is made absolute in the above terms.
5. Office to communicate this order to the petitioner who is undergoing sentence in Nashik Road Central Prison, Nashik.

(ANUJA PRABHUDESSAI, J.)

(SMT. V.K.TAHILRAMANI, J.)