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APPW-200-2017 (sr.18)
6.6.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 200 OF 2017
IN
WRIT PETITION NO. 3010 OF 2016

Abdul Asaruddin Shaikh

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

- - - -

Ms. Rohini M. Dandekar, Advocate appointed for the
Applicant.

Mrs. G.P. Mulekar, APP for State.

**CORAM :- SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE :- 6 June, 2017.

P.C. :-

1). Heard both sides.

2). The applicant was granted parole by this Court by
order dated 28 September, 2016 in Criminal Writ

Petition No. 3010 of 2016. The parole was granted to the applicant for a period of 30 days on the usual terms and conditions as set out by the Competent Authority. Thereafter, the applicant preferred Criminal Application No. 457 of 2016 with a grievance that he has been ordered to be released on parole on furnishing two sureties in the sum of Rs.50,000/- each. It was submitted by the Learned Counsel for the applicant, during the hearing of Criminal Application No. 457 of 2016, that on the last occasion when the applicant was released on furlough, the applicant was ordered to be released on furlough on furnishing two sureties in the sum of Rs.20,000/- each and after the period of furlough was over, the applicant reported back to the prison in time. However, the Learned APP had submitted, at that time, that as the Applicant intended to spend his period of parole in the State of Jharkhand, he was directed to furnish sureties in the higher amount i.e. two sureties of Rs.50,000/- each. While disposing off Criminal Application No. 457 of 2016 this Court, observed that the amount of sureties

is reduced from two sureties in the sum of Rs.50,000/- each to two sureties in the sum of Rs.30,000/- each. In the present application, the applicant has raised a grievance that, though this Court had stated that, he has to furnish two sureties in the sum of Rs.30,000/- each, the Divisional Commissioner of Nashik Division has directed him to furnish three sureties in the sum of Rs.30,000/- each. In addition, the Divisional Commissioner, had directed him to furnish two sureties who were Government Officers from the State of Maharashtra and another surety from the State of Jharkhand. The case of the applicant is that, he is unable to furnish surety of a Government Officer.

3). The Learned APP states that Rule 24A has been amended and a prisoner who wants to go on parole has to execute a surety bond with atleast two sureties from following categories, namely :-

(i) Central or State Government employee.

(ii) Elected Local Representative.

(iii) Family members having good

antecedents, or

(iv) Friends and Relatives having good antecedents.

. On going through the said Amendment, we are of the opinion that, it can not be read to mean that, a prisoner has to necessarily furnish a surety of a Central or State Government Employee and instead a prisoner can furnish two sureties from any of the above four categories. In this view of the matter, the Competent Authority shall not insist on the petitioner furnishing sureties who are Central or State Government Employees or Elected Local Representative and the applicant can be allowed to furnish sureties from any of the four categories. Looking to the fact that, the applicant was earlier released on furlough on furnishing two sureties in the sum of Rs.20,000/- each and he has reported back to the prison in time, we are inclined to reduce the number of sureties from three sureties to two sureties. Thus, the applicant shall be released on parole on furnishing two sureties from any

Rane

* 5/5 * APPW-200-2017 (sr.18)
6.6.2017

of the four categories enumerated above. Condition of attendance at Police Station may be imposed as deemed fit by the Competent Authority. The Application is allowed in above terms.

4). This order be communicated to the applicant who is in Nashik Road Prison.

(SMT. V.K. TAHILRAMANI, J)

(SANDEEP K. SHINDE, J)