

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1383 OF 2018

Ravindra @ Pintya Hirachand Shinde
age: major, occu: nil
R/o Anjandove, Tq. Karmala,
Dist. Solapur
At present Visapur Open Prison
Tq. Shrigonda, Dist. Ahmednagar

Petitioner

Versus

- 1 The State of Maharashtra
- 2 The Deputy Superintendent
of the open Prison, Visapur
Dist. Ahmednagar
- 3 The Deputy Inspector General
of Police (Prison),
Western Region,
Yerawada, Pune

Respondents

Mrs. Shradha P. Chate, advocate for the petitioner

Mr. D.R. Kale, Assistant Public Prosecutor for respondents.

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**CORAM : R.M. BORDE AND
MANGESH S. PATIL, JJ**

Date : 22nd OCTOBER, 2018

ORAL JUDGMENT

(Per: R.M. Borde, J)

- 1 Heard.
- 2 Rule. With the consent of the parties, petition is taken-up
for final disposal at admission stage.

3 The petitioner tendered an application, seeking furlough leave for a period of 28 days. It is not a matter of dispute that the petitioner, who is lodged in open prison, is entitled to be released on furlough leave, however, could not comply with the condition of furnishing a surety and to tender necessary documents. On account of failure of petitioner to furnish surety, the application tendered by him for grant of furlough leave has been turned down.

4 The learned APP appearing for State, on instructions, informs that the petitioner has undergone imprisonment for a period of 13 years and 11 months including remission.

5 The petitioner is convicted under section 302, IPC and sentenced to undergo imprisonment for life. Considering the period of imprisonment already undergone by the petitioner as well as on consideration of his past record, which is stated to be satisfactory, the request made by the petitioner for directing his release on furlough on execution of personal bond deserves to be considered. In this context, the Judgment of full bench of this Court in case of **Dipak Sudhakar Wakalekar versus State of Maharashtra and others** (2011 CRI L.J.3263) shall be relied upon. The full bench of this Court has ruled that the sanctioning authority has discretion, in the given facts of the case, to release

prisoner on parole by dispensing with requirement of furnishing surety bond in Form A appended to the Rules. As per the proviso to Rule 6 of the Rules, 1959 a convict confined in open prison can be released on furlough by the sanctioning authority by dispensing with the requirement of execution of bond by the relatives. Similarly, a convict confined in open prison can be released on parole by the authorities by dispensing with requirement of execution of bond by the relatives.

In the instant matter, the petitioner has prayed for grant of furlough as he has been confined in open prison and his past record is unblemished.

6 In these circumstances, we direct respondents to dispense with the requirement of furnishing surety bond in form 'A' and to release the petitioner on furnishing personal bond. Necessary orders shall be issued forthwith.

7 Rule is accordingly made absolute.

8 There shall be no order as to costs.

(MANGESH S. PATIL, J)

(R.M. BORDE, J)