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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL WRIT PETITION NO.188/2018

(Ananta Mahadeo Motghare **VS.** The D.I.G. Of Prison, Nagpur and another)

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

Court's or Judge's order

Ms. S.B. Khobragade, Advocate for the petitioner
 Ms. N.R.Tripathi, Addl.Public Prosecutor for respondents

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATED : 27th April, 2018.

Heard.

By this Criminal Writ Petition, the petitioner challenges the order of the Deputy Inspector General of Prisons, Nagpur, dated 19.01.2018, rejecting the application of the petitioner for furlough leave.

The furlough leave application of the petitioner was rejected only because the relative of the petitioner who is ready to furnish surety for the petitioner, resides at Amravati and the petitioner is desirous of residing at Chandrapur.

Ms. Khobragade, the learned counsel for the petitioner states that the petitioner is ready to reside in Amravati only. It is stated that the petitioner would spend the time only at Amravati and not at Chandrapur if he is released on furlough leave. It is stated that the surety of his

relative residing at Amravati should be accepted as the petitioner is ready to reside at Amravati instead of Chandrapur.

In view of the statement made by the learned counsel for the petitioner that the petitioner would be residing at Amravati during his release on furlough, we set aside the impugned order and direct the respondents to release the petitioner on furlough leave within seven days from the date on which the petitioner's relative furnishes surety as is required by Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959. The petitioner should however reside at Amravati as stated on behalf of the petitioner by the learned counsel. Order accordingly.

JUDGE

JUDGE