

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.1213 OF 2017

Rajendra s/o. Dinasingh Rathod,
Aged about Major, Occ. Nil,
Convict No.6329, Confined
(Jail) At Central Prison,
Nagpur.

..... PETITIONER

// **VERSUS** //

1.State of Maharashtra,
Through Deputy Inspector
General, Eastern Region,
Central Prison, Nagpur.

2.The Superintendent,
Central Prison,
Nagpur.

..... RESPONDENTS

Mr.V.P.Mohod, Advocate (appointed) for the petitioner.
Mr.A.D.Sonak, A.P.P. for the Respondent/State.

CORAM : P.N.DESHMUKH
AND
M.G.GIRATKAR, JJ.

DATED : 13th June, 2018.

ORAL JUDGMENT (Per P.N.Deshmukh, J) :

1. Rule made returnable forthwith. Heard finally with the consent of learned Counsel for the respective parties.

2. Prayer in this petition is for grant of furlough for 14 days to meet the family members. According to the petitioner, his request was rejected as the Police Verification Report is adverse and the proposed surety holder, who is brother-in-law of the petitioner, is said to be incompetent to keep control over the petitioner during the furlough leave. Another ground opposing grant of furlough leave was that, on the earlier occasion when the petitioner was released, he did not surrender before the Prison Authority on the due date and therefore, offence was registered. The respondent has also placed on

record chart showing leaves granted to the petitioner on the earlier occasions wherefrom it is noted that the petitioner did not surrender before the Prison Authority on almost all the occasions and on one occasion, he was arrested and brought back by police.

3. Learned Counsel for the petitioner, however, had referred to order dt.20.4.2018 of this Court by which opportunity is given to the petitioner to furnish some other surety to the satisfaction of the Authorities concerned observing that though furlough leave has been granted to the petitioner, said order could not be implemented as the surety furnished was not to the satisfaction of the Authorities concerned.

4. In the circumstances and in view of order as aforesaid, without going into other aspects, the petition is liable to be allowed subject to the petitioner's producing surety to the satisfaction of the Authorities concerned within two weeks.

Rule is made absolute in the above terms. No order as to costs.

JUDGE

JUDGE

[jaiswal]

