

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 803 OF 2019**

Shri. Nanasaheb Changdeo Nikam

Age : years, Occ.: Nil,

Convict No. 8099,

R/o: At present Aurangabad Central Prison,  
Aurangabad.

... Petitioner

Vs.

1. State of Maharashtra  
Through, Ministry of Home Department,  
Mantralaya, Mumbai.

2. The Deputy Inspector General of Prison,  
Aurangabad Central Prison, Aurangabad.

... Respondents

...

Advocate for the Petitioner : Shri. Vinod S. Salve (appointed)

APP for the Respondent – State : Shri. D. R. Kale

....

**CORAM : T.V. NALAWADE AND  
K.K. SONAWANE ,JJ.**

**DATE : 26<sup>th</sup> JUNE, 2019.**

**ORAL JUDGMENT :** ( PER : T.V.NALAWADE, J.)

1. Rule. Rule made returnable forthwith. Heard finally, with consent of learned counsel appearing for parties.

2. The petitioner is behind bars for the offence punishable under Sections 302 and 498-A of the Indian Penal Code, for committing murder of wife. As per rules, he is eligible to get furlough leave. Submission made and record shows that furlough leave is rejected by the authority concerned quoting Rule 4(4) of the Prison (Bombay Furlough and Parole) Rules, 1959 and adverse report of the Police. In the report, it is

mentioned that one person was suggested by the petitioner as surety, who is friend, but said friend is not ready to stand as surety. Except that, no other reason has been given for rejection of furlough leave. There is certificate issued by the Jail Authority showing that no untowards incident took place during his tenure in the prison. In these circumstances and nature of the offence for which he is convicted and sentence, this Court holds that cash security can be accepted. Such security amount can be determined by the Authority. But, it should be in consonance with capacity of the petitioner.

3. In the result, the petition is allowed. Furlough leave application of the petitioner is allowed on usual conditions and by taking cash security of appropriate amount. He be released on furlough leave. The fees of counsel appointed is quantified at Rs. 3000/- to be paid through High Court Legal Services Authority, Sub-Committee, Aurangabad. Rule is made absolute in above terms.

Sd/-

**[K.K. SONAWANE]**  
**JUDGE**

Sd/-

**[T.V. NALAWADE]**  
**JUDGE**

MTK