

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 1087 OF 2019**

Mitharam S/o Sakharam Jadhav,
 Age : Major, Occ. Nil,
 R/o. 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 Yerwada,
Pune ..RESPONDENTS

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Advocate for the petitioner : Mr. S.P Chate
 A.PP for respondent Nos. 1 to 3 State : Mrs. D. S. Jape

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**CORAM :T.V. NALWADE AND
 K.K. SONAWANE ,JJ.
 DATE : 26th AUGUST, 2019.**

JUDGMENT(PER T.V. NALWADE, J] :-

Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The petition is filed to challenge the communication made by the Deputy Inspector General (Prison) with Superintendent of Visapur Open Prison dated 11.06.2019. The office of the Deputy Inspector General has asked to see that competent surety (to produce fresh surety holder

for release furlough) is there, to execute bond for releasing the petitioner on furlough leave. Submissions made show that decision as yet not taken on furlough application. If there is nothing adverse, as per the Prison Rules, (Bombay Furlough and Parole) Rules 1959 then he can be released on P.R. Bond by using discretion. The submissions made show that in the past on many occasions the petitioner was released on furlough and he has been behind bars from 30 years. In view of this circumstances, at the time of taking decision on furlough application the authority is to consider the circumstances that the petitioner may not be able to give surety and in that case he may be allowed to give cash security of the similar amount. With these observations the present petition is disposed of.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

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