

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

CRIMINAL WRIT PETITION NO. 1095 OF 2019

Ramchandra Basapaa Kusalkar

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mrs. S.P. Chate, Advocate for petitioner
Mr. A.R. Kale, A.P.P. for respondent - State
....

**CORAM : T.V. NALAWADE AND
R.G. AVACHAT, JJ.
DATED : 03rd SEPTEMBER, 2019**

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

Rule. Rule made returnable forthwith. With the consent of learned Counsel for parties, heard finally.

2. Learned Counsel for petitioner submits that unless surety is given by petitioner, he will not be released on furlough leave. He submitted the communication is made by Deputy Inspector General of Police (Prison) dated 11th June, 2019 in which the authority asked petitioner to see that one surety is given. He has been in jail for more than twelve years for the offence of murder and he is kept in open prison. This is first time he is going out of jail on furlough leave.

3. The circumstance that petitioner is kept in open prison itself shows that there is nothing adverse against him. In view of this circumstance, it is desirable to allow the petitioner to furnish personal bond as security.

4. Learned Counsel for petitioner placed reliance on decision given by Full Bench of this Court in ***Dipak Sudhakar Wakalekar Vs. State of Maharashtra and Ors., 2011 CRI.L.J. 3263*** and order passed in Criminal Writ Petition No. 1108 of 2019 (Ramlu Balramappa Harjis Vs. State of Maharashtra and Ors.) dated 30th July. 2019.

5. With the aforesaid observations, petition is allowed and disposed of. The impugned communication is set aside. Rule is made absolute.

(R.G. AVACHAT, J.)

(T.V. NALAWADE, J.)

SSD