

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 1108 OF 2019

Ramlu s/o Balramappa Harjis,
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**

...
Ms Sharda P. Chate, Advocate for Petitioner.
Mr. M. M. Nerlikar, APP for the Respondents.

CORAM : **T. V. NALAWADE &
V. L. ACHLIYA, JJ.**

DATE : 30th July, 2019.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

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

2 Though initially the proceeding was filed for relief of direction to the Respondents to take decision on furlough leave application of the Petitioner, during pendency of petition, the application came to be decided. It appears that the application was moved for releasing the Petitioner on furlough leave after taking personal bond from him. It appears that the authority has refused to accept the personal bond and he is directed to give surety of Rs.5,000/-. That is the only reason given in the order made against the Petitioner. The submissions made and record show that the Petitioner has been behind bars from more than 13 years excluding the remission period and including the remission period, the period comes to more than 20 years. On many occasions in the past, he was granted furlough leave and he turned up in time to jail. The fact that he is kept in open prison shows that his conduct is good. It appears that, at present, he is not in a position to give surety. Due to these circumstances, this Court holds that discretion can be used by the authority and personal bond and cash security can be accepted. The learned counsel for Petitioner placed reliance on the observations made by the Full Bench of this Court in the case

reported as **2011 CRI. L. J. 3263**, (*Dipak Sudhakar Wakalekar Vs. State of Maharashtra and Ors*). This Court holds that it is a fit case where personal bond and cash security can be accepted. In view of the circumstance that the Petitioner is kept in open prison, this Court holds that cash security of Rs.2,000/- will be sufficient. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. The order of Respondents of asking the Petitioner to give surety of Rs.5,000/- for getting released on furlough leave is hereby set aside.
- III. The Petitioner is to be released on furlough leave on furnishing personal bond of Rs.5,000/- and giving cash security of Rs.2,000/-.
- IV. Rule is made absolute in those terms.

[V. L. ACHLIYA, J.]

[T. V. NALAWADE, J.]