

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1141 OF 2019

Prabhakar S/o Vishwanath Sonawane,
Age : Major, Occ. Nil,
Open Prison, Visapur Tq. Shrigonda,
Dist. Ahmednagar

..PETITIONER

VERSUS

1] The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.

2. The Deputy Inspector General,
Western region, Pune- 6.

..RESPONDENTS

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Advocate for Petitioner : Mrs. Kasturkar Mayuri G.
APP for Respondent-State: Mrs. D. S. Jape

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CORAM :T.V. NALWADE AND
K.K. SONAWANE,JJ.

DATE : 25-09-2019

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

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

2. The proceeding is filed to challenge the order made by the respondents by which the present petitioner-prisoner is directed to give surety for getting released on furlough. It appears that adverse police

report is also considered. The say offered and the record in respect of previous conduct show that in the past on at least on three occasions like in the year 2009, 2015 and 2016 he was released on furlough and on every occasion he had turned up to a jail on his own. Though, in the year 2009 he was late by five days, he had returned to Jail his his own. On one occasion he was released after getting cash security of Rs. 10,000/-. In view of these circumstances, this Court holds that personal bond can be accepted and he can be released on furlough on the basis of personal bond. In view of the observations made by this Court in full bench decision of this Court reported in 2011 Cri. L. J. 3263 Criminal Writ Petition No. 848 of 2010 (Deepak Sudhakar Wakalekar Vs. The State of Maharashtra and others)) this Court holds that relief needs to be granted. In the result following order :-

ORDER

- I] The petition is allowed.
- II] The order directing the petitioner to give surety is set-aside.
He is to be released on Personal Bond of appropriate amount.
- III] Rule made absolute in those terms.

[K. K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE